DOCUMENT RESUME

ED 108 989 SO 008 363

AUTHOR Bracher, Peter, Ed.; And Others
TITLE Religion Studies in the Curriculum: Retrospect and Prospect, 1963-1983. PERSC Selected Papers/Symposium 1.
INSTITUTION Wright State Univ., Dayton, Ohio. Public Education Religion Studies Center.
PUB DATE 74
NOTE 100p.; For related documents see SO 008 364-367
AVAILABLE FROM PERSC, Wright State University, Dayton, Ohio 45431 ($3.50; 10 or more, $3.00 each; Ohio residents add 4.5 percent tax; make check payable to Wright State University/PERSC; payment must accompany order)

EDRS PRICE MF-$0.76 PLUS POSTAGE. HC Not Available from EDRS.
DESCRIPTORS Biblical Literature; Court Litigation; Curriculum Design; *Curriculum Development; Curriculum Evaluation; Educational History; *Educational Problems; Elementary Secondary Education; Information Sources; Religion; *Religious Education; *Religious Organizations; *State Church Separation; Teacher Education
IDENTIFIERS Abington v Schempp; PERSC; Public Education Religion Studies Center

ABSTRACT

This publication consists of the papers presented at the first national symposium of the Public Education Religion Studies Center (PERSC). The purpose of PERSC is to encourage and facilitate increased and improved nonsectarian teaching about religion within constitutional bounds at the elementary and secondary level. It emphasizes the natural inclusion of the study about religion within the regular curricular offerings such as history, art, English, music, and geography. PERSC also conducts workshops, maintains a resource center of available curriculum materials, publishes a quarterly newsletter, evaluates existing curriculum materials, and develops new materials when necessary. The papers presented at the symposium address themselves to the legal and educational dimensions of religious education in the past and near future. Titles include: (1) Religion Studies in the Curriculum, 1963-1983; (2) Personal Reflections on the Schempp Decision; (3) The Decisions of the Court; (4) The Definition of Religion; (5) Objectivity and Teaching the Bible; (6) Imagining Criteria of Curriculum Design for Learning about Religion in Public Education; (7) Religious Education versus Academic Religion Studies; and (8) Conclusion: Status and Prospects. Appendixes include criteria for evaluating curricular materials, guidelines for teacher education programs, and guidelines for teacher competency. (Author/DE)

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION
THIS DOCUMENT HAS BEEN REPRO
DUCED EXACTLY AS RECEIVED FROM
THE PERSON OR ORGANIZATION ORIGIN
ATING IT. POINTS OF VIEW OR OPINIONS
STATED DO NOT NECESSARILY REPRE
SENT OFFICIAL NATIONAL INSTITUTE OF
EDUCATION POSITION OR POLICY

PERMISSION TO REPRODUCE THIS
COPYRIGHTED MATERIAL BY MICRO-
FICHE ONLY HAS BEEN GRANTED BY
James V. Anoch

TO ERIC AND ORGANIZATIONS OPERAT
ING UNDER AGREEMENTS WITH THE NA
TIONAL INSTITUTE OF EDUCATION
FURTHER REPRODUCTION OUTSIDE
THE ERIC SYSTEM REQUIRES PERMIS
SION OF THE COPYRIGHT OWNER "

Dedicated to

PROFESSOR HAROLD HOLLINGSWORTH

Department of History

Wright State University

and a member of

PERSC's Faculty Advisory Committee

Table of Contents

Introduction 1

Religion Studies in the Curriculum, 1963-1983. 3
ROBERT MICHAELSEN

Personal Reflections on the Schempp Decision 13
JUSTICE TOM C. CLARK

The Decisions of the Court 22
CHARLES M. WHELAN

The Definition of Religion 32
HAROLD M. STAHMER

Objectivity and Teaching the Bible 45
SAMUEL SANDMEL

Imagining Criteria of Curriculum Design for Learning about Religion in Public Education. 52
ROBERT A. SPIVEY

Religious Education versus Academic Religion Studies 65
CARL HENRY

Conclusion: Status and Prospects. 80
PETER BRACHER and NICHOLAS PIEDISCALZI

Appendices

A. Criteria for Evaluating Curricular Materials. 86
B. Guidelines for Teacher Education Programs 89
C. Guidelines for Teacher Competency 91

Notes on Contributors. 94

Notes on Editors 95

Copyright © 1974 by the Public Education Religion Studies Center. All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical including photocopying, recording or by any information storage and retrieval system, without permission in writing from the Publisher.

Introduction

The Public Education Religion Studies Center (PERSC) conducted its first national symposium on the campus of Wright State University, June 17-18, 1973. The symposium was convened to recognize the tenth anniversary of the United States Supreme Court's Abington v. Schempp decision and the founding of PERSC.

The theme selected for the occasion was "Religion Studies in the Curriculum: Retrospect and Prospect, 1963-1983." Justice Tom C. Clark, author of the Schempp decision, delivered the keynote address. Eight nationally recognized scholars--Dr. Charles Whelan, S.J. (Fordham University), Dr. Donald Boles (Iowa State University), Dr. Robert Michaelsen (University of California, Santa Barbara), Dr. Harold Stahmer (University of Florida), Dr. Samuel Sandmel (Hebrew Union College), Dr. Alan Loving (University of Michigan), Dr. Robert Spivey (Florida State University), and Dr. Carl Henry (Professor-at-large, Eastern Baptist Seminary and editor emeritus of Christianity Today)--contributed papers on various aspects of the symposium theme.

The topics for symposium papers were selected in order to focus attention upon three concurrent and interrelated developments in public education religion studies during the last decade: 1) the clarification of the legal issues in light of the Schempp decision, 2) the development of curricular materials, and 3) the introduction of teacher education and certification programs. Reflecting these concerns, the symposium addressed itself to both the legal and educational dimensions of its subject. Along with Justice Clark's keynote address, two papers provided insight into the legal issues and problems. Professor Whelan examined the judicial actions that produced the Schempp decision and reviewed subsequent legal developments affecting religion studies in the public schools. Professor Boles analyzed the responses of both individuals and groups to the Schempp decision.

The bulk of the papers dealt with the educational problems facing those involved with religion studies in the public school curriculum. Two papers explored definitional problems. Professor Stahmer considered the problem of defining the term "religion," especially as it was affected by the Schempp decision. Professor Sandmel provided a perspective on the term "objectivity" by examining the practical pedagogical implications of teaching the Bible "objectively." Professor Spivey's paper reviewed a number of basic criteria for the design of effective religion studies curricula, and Professor Loving dealt with the problem of defining the criteria for teacher competency in religion studies. Professor Henry's address examined the problem of differentiating between religious education in religious institutions and the academic study of religion in public schools as a contribution toward clarifying the erroneous identification by both informed and uninformed individuals of the profession of religion with the

00096

academic study of religion. In their papers, symposium participants touched on most of the crucial issues that confront those engaged in religion studies in the public schools.

PERSC makes available in this format an abridged and edited version of Justice Clark's address and a selection of the papers presented at the symposium. (All of the addresses are avaialable on cassette tapes and may be obtained through the PERSC office.) To this material has been added a summary discussion of some of the major issues explored at the symposium aimed at projecting some of the needs in public school religion studies during the next decade. The papers and discussion made it clear that criteria and guidelines needed to be developed for improving curricular materials and teacher education programs. As a step forward this goal, PEPSC developed criteria for evaluating curriculum materials and teacher education programs and for assessing teacher competency. These have been added in an appendix.

The symposium was made possible by grants from Religious Heritage of America, Inc., and the Lilly Endowment, Inc., to whom PERSC expresses appreciation.

PERSC also expresses deep appreciation to Mrs. Barbara Ann Bohn and Mrs. Diane C. Johnson for their transcribing some of the symposium lectures and typing this manuscript.

Religion Studies in the Curriculum, 1963 - 1983
by
Robert Michaelsen

I

1963-1973

About thirty years ago Payson Smith observed that for more than a century the people of the United States had shown a persistent determination to achieve two seemingly irreconcilable ends relative to religion and the public schools: to keep sectarianism out while keeping religion in.[1] Subsequently a series of Supreme Court decisions, which culminated ten years ago in what is commonly called the Schempp decision,[2] provided a platform for raising the discussion of religion in the public schools to a new level and upon which to build significant educational developments. In ruling out school-sponsored prayer and devotional Bible reading, the Court decision in Schempp was manifestly a negative one. Nevertheless, the judicial opinions and dicta in that case (especially those of Justices Clark, Brennan, and Goldberg) indicated a positive way in which religion could be legally included in the public schools: it could, and perhaps even should, be studied. Sensitive to outraged outcries of establishing through its decision "a religion of secularism" in the schools, the Court demurred and then went on to suggest that

> it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment.[3]

In his concurring opinion, Justice Goldberg, joined by Justice Harlan, also took up the same issue of secularism when he wrote:

> It is said, and I agree, that the attitude of government toward religion must be one of neutrality. But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. . . . Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment

00008

> may require that it do so. And it seems clear to me from the opinions in the present and past cases that the Court would recognize the propriety . . . of the teaching *about* religion, as distinguished from the teaching *of* religion, in the public schools.[4]

Thus one might say that the Court continued in that tradition which Payson Smith noted, but it did so on a new ground or, at least, a newly articulated ground: a clearly stated constitutional standard. Religion had been in the schools in a variety of ways before *Schempp*--through Bible reading, prayer, hymn singing, released-time religious education programs, and even, in an earlier time, state-sponsored and state-accredited Bible courses.[5] *Schempp* clearly and significantly indicated that where religion belongs most appropriately in the schools is as an object or subject of study in the curriculum itself--that is, at the heart of the school's formal educational program, not in some opening exercises or adjunct curricula.

In this historical context, then, the study of religion is seen in *Schempp* as being in a sort of intermediate territory between the practice or promotion of religion, on the one hand, and a "religion of secularism" or "a passive, or even active, hostility to the religious," on the other. That is one meaning of the principle of "neutrality" which is the guiding doctrine in *Schempp*. Government should neither promote religion nor ignore it. Religion *is* recognized in *Schempp* (as it was by Justice Jackson in *McCollum*[6]) as a significant phenomenon in human experience and hence as worthy of study in any curriculum concerned with that experience. But that study must be guided by the same canons, use the same methods, and be directed toward the same primary goal as any other study in the public school. *Schempp* was a historic decision.

II

The Impact of *Schempp*

The full impact of *Schempp* is beyond measurement. Justice Clark's words[7] alone have been quoted repeatedly in professional, academic, scholarly, and popular literature; perhaps they have been as widely quoted as any recent Court dicta.[8] The decision has triggered a number of significant developments in the area of religion and public education. Pennsylvania, where the case originated, took steps following the decision to develop a course or courses in religious literature. That is the most immediate and most obvious development, and there haven been many more, in terms of curricula, materials, teacher preparation, etc. Furthermore, the decision has had considerable influence in publicly supported higher education by putting to rest an understanding of legality which has tended to block the systematic study of religion in state colleges and universities.[9] It is difficult to

00009

say just how much effect Schempp has had in terms of significant increase in the "teaching about religion" in the public schools. Clearly, it has had some effect and perhaps even a marked one.[10]

Schempp has done several things, then: given a fairly clear legal guideline, suggested an appropriate educational guideline, stimulated the development of materials and curricular programs and the training of teachers in keeping with these guidelines, increased the level of awareness of what is constitutionally and even educationally acceptable, and led to an actual increase in the study of religion. It is also important to point out that Schempp has held up very well as constitutional law. It has been cited many times in subsequent church-state cases. Specifically, the guiding phrase of chief importance to us has been cited on more than one occasion. In Epperson, which struck down the Arkansas anti-evolution law, Justice Fortas wrote for the Court:

> While study of religions and of the Bible from a literary and historic viewpoint, presented objectively as part of a secular program of education, need not collide with the First Amendment's prohibition, the State may not adopt programs or practices in its public schools or colleges which "aid or oppose" any religion.[11]

Schempp on the study of religion was applied even more directly in two cases having to do with religion in the curriculum. One of these cases had to do with the legality of a course on "The Bible as Literature" at the University of Washington in Seattle. The Washington State Supreme Court upheld the trial court in finding that the course "is taught as a study of the Bible for its literary and historic qualities and it presented objectively as a part of a secular program of education," and also that the course "does not promote a particular theology for purposes of religious indoctrination, nor is it slanted in a religious direction, nor does it induce any particular religious belief, nor does it advance any particular religious interests or theology."[12]

The second of these cases had to do with a released-time religious education program which had been in operation in the Martinsville, Virginia, school district since 1942 and which, in structure at least, resembled the Champaign, Illinois, released-time program which the court had struck down in McCollum.[13] The defenders of the Martinsville program used Schempp language in their defense, declaring that the program "is an attempt to teach the students about religion rather than to indoctrinate them thereto." The District Court, appealing primarily to McCollum, found this practice unconstitutional because of its use of teachers who were paid and controlled by religious groups and of materials and practices which could be understood to indoctrinate, and because it involved the separation or segregation of students on other than educational grounds. The Court also reiterated the

conditions laid out in Schempp and indicated that a program carried out under these conditions would be constitutional.[14]

III

1973-1983

Schempp cleared the ground for proper and fruitful legal and educational approaches. The rest was and still is primarily up to educators, not to courts or lawyers, as Justice Brennan suggested in Schempp.[15] What has happened in the past decade relative to religion in public school curricula is, in a sense, only a beginning. The attention of many shapers of public school policies and programs has been caught, but many remain unaware of or uninterested in the significant opening indicated in Schempp. Careful experimentation in the production of materials has been done, but much more is needed. Courses and units in religion have been introduced into public school curricula, but most courses of study are probably still innocent of educationally self-conscious attention to religion. College and university curricula in religion have expanded and hence made it possible for prospective teachers to receive formal preservice education in this area. Several institutions are also now providing opportunities for inservice education through workshops and other means. But far more needs to be done on the critical job of teacher education in this area. All of these developments, then, constitute only a beginning, albeit an important one. Hopefully we shall see more significant and substantial cultivation in these areas in the next ten years.

Nineteen-eighty-three is just one year short of Orwell's doomsday. Who can say what it will be like then? Institutional religion is in serious crisis today. Public education generally is under sharp attack, and the public school has been found wanting by critics from both ends of the political spectrum. I tend to assume, however, that so long as the United States continues some form of public education will also continue. And I am convinced that so long as man is man, his religious impulse and needs will not disappear. On these grounds, then, I am emboldened to prognosticate about the study of religion in public schools in the nex decade. In doing so I want to suggest three trends and mention two questions that hover in the background. The trends have to do with 1) teacher education, 2) student development and interest, and 3) our understanding of religion. The questions are about the relationship of the study of religion to morality and of that study to religious experience.

1) Teacher Education. I recently asked James V. Panoch, field coordinator for the Public Education Religion Studies Center, for his summary of developments since Schempp and his conjecture about the next decade. In his usual concise fashion, Panoch put it this way: 1963-68, legal; 1968-73, materials; 1973-78, teachers.

01900
00011

(He seemed unwilling to push beyond that time, leaving the more distant future to those of us more given to being visionaries.) That's not a bad summary, it seems to me. Teacher preparation is now receiving more attention, and clearly that is needed. Dr. J. B. Morris concluded as a result of a survey he did in 1970 of teaching about religion in urban public high schools that most of the teachers responsible for this area "are inadequately prepared in subject-matter content as well as in methodology."[16] This conclusion, which I think others might corroborate from their own experience, suggests the need for two jobs: a) more thorough preparation in subject-matter content, and b) more careful attention to methodology. I take it as a foregone conclusion that teachers should know their materials or subject-matter as well as possible. This is no small matter in religion. Thus I hope and am quite confident that we will see a great expansion of teacher preparation in this area. But, important as knowledge of data is, it is not enough. The approach to the subject and the manner of teaching it are easily as important. The guiding word in Schempp is "objectively." That has not been a popular word in academic circles recently. It is especially suspect among younger academics. Just three years after the Schempp decision I quoted that word in context in an address to a group of graduate students -- Kent and Danforth fellows -- and thereby raised a storm of protest. "Involvement" was the magic word in those days when the Berkeley free and sometimes foul speakers were great heroes. The ideal professor was either a revolutionary or a guru or both.

"Objectively" does not define itself. We need to apply it contextually. Since we are all subjects, since we are all involved, to some degree, with others and with what we study, there is not total objectivity. But the word implies a standard that should not, and indeed must not, be dismissed, especially in dealing with the impressionable young. It is all too easy to assume that in dealing with religion one is merely engaged in an extension of his own Sunday School experience, or that to understand another's religion one only needs to see his own in a slightly different context. Professor Philip Phenix has perceptively treated the question of objectivity under the heading "disciplined intersubjectivity." "To be objective," he says, "is to enter into the subjectivity of persons other than oneself in a disciplined way." This requires a "capacity to enter imaginatively into the position of another,"[17] to become what I have called an "engaged observer."[18] This is no small task; it requires accurate information and a human quality of intelligent and sympathetic projection. It also necessitates a degree of critical self-consciousness about one's own subjectivity. Perhaps we can draw an analogy, albeit an inexact one, from psychoanalysis. To be an able analyst one must undergo analysis himself in order to know where he's at. So also the able student of religion needs to develop a degree of critical self-awareness, self-consciousness about the locus and nature of his own identity. From that may come disciplined openness to others; without that one is either locked within his own prison

house or left to wander hither and yon from this fad to that without really penetrating to the depths of religious reality.

I have dwelt on methodology or approach at perhaps undue length, but I think it is a question which must and will receive increasing attention. Here again Schempp has pointed the way to a middle ground between open advocacy and supercilious superiority, between excessive and uncritical involvement and a dry as dust, "I'm above it all," factual approach. This middle ground is also a beginning point. One of the most critical needs and greatest challenges now is to stimulate and to develop creative and critical powers in teachers. Both subject and context require disciplined intelligence and informed imagination. Without these one does justice to neither subject nor students.

2) Student Development and Interest. We teach not only subject matter; we teach people. It is a truism to say that we need to know where they are, what stages of development, by and large, they go through, what types of things are of greatest interest to them at various periods. For years prospective teachers have studied educational psychology as a matter of course or in keeping with a requirement. But it is not clear just how much we know about human development relative to religion--to religious awareness, to religious conceptualization, for example. It seems possible that one of the most significant developments of the next decade will be in the area of giving greater attention to religion at elementary levels. Obviously we cannot use the same methods and materials at those levels that we use in college or high school. A conceptual approach to religion, for example, may not hit home with a six or seven year old, but he or she may be peculiarly open to simulated enactment or ritual. He or she, in an involved and yet make-believe way, may sing the song of the Lord, dance the dance of Shiva, reenact the drama of creation, join the pilgrimage to Mecca, or enter the holy of holies.

3) Understanding of Religion. We have tended in recent years to move from narrow to broader understandings of religion. Parson Thwackum's exclusivist precision falls considerably short of adequacy when it comes to the academic study of this subject. It was he, you will recall from Fielding's Tom Jones, who said: "When I mention religion, I mean the Christian religion; and not only the Christian religion, but the Protestant religion; and not only the Protestant religion, but the Church of England." In contrast, Professor Paul Tillich's idea of "ultimate concern" has been seized upon for its apparent universality. It seems also to afford an adequate basis for descriptive as against normative approaches. (Even the Court has appealed to Professor Tillich's phraseology in its conscientious objector cases.[19]) But even Professor Tillich's approach may have limits. It can be understood too abstractly, too conceptually, and too individualistically. For purposes of academic study one's understanding of religion needs to be broad enough to encompass the specific as well as the abstract, the

experimental as well as the conceptual, and the communal as well as the individual. Scientific students of religion--historians, sociologists, psychologists--have reminded us, for example, that religion involves acting out before conceptualization; they have helped us to see the universal significance of ritual enactment, symbol, and myth. This broad understanding of religion has profound significance for both teachers and students. It may achieve a special forcefulness as increasing attention is given to education in religion at primary levels.

IV

Morality, Religious Experience, and the Study of Religion

Change has almost become a cliché today; "future shock" is now part of the common parlance. Ours is a time that induces anxiety and frantic search for security. Motivated by a desire to promote public piety and to reaffirm the supposed eternal verities in a time of great slippage, our leading public religious figure calls for daily prayer and Bible reading in public schools. At the other end of the spectrum, so to speak, the gurus of the counter-culture sneer at public piety and promote their own set of eternal verities. There is a similarity in these phenomena: both illustrate the reality of deep religious quest in our time. The study of religion cannot help but be affected by that quest. Hence our decadal agenda should include attention to the seemingly simple but actually complex questions of the relation of the study of religion to morality and to religious experience.

For most Americans, putting religion into the school while keeping sectarianism out has meant inculcating a divinely sanctioned morality. This is not the time or place to go into the question of the relationship between religion and morality or to examine our prevailing value assumptions. It does seem to me, in passing, however, that there is a need for more intelligent involvement in our schools in what the British call "moral education" or what some Americans prefer to call "value clarification." I happen also to think that those of us who are involved in the systematic study of religion should, through comparative and phenomenological study, for example, examine more closely the ways in which religion enhances human growth and reinforces human commitment. It is neither realistic nor, in the long run, helpful to contend either that the study of religion will automatically make people more moral or that it has no bearing on morality.

We see today, especially among young people, an increase of interest in experiential religion and a decrease of interest in institutional religion. This has serious implications for the study of religion. There is, clearly, an experiential aspect even to that study. Insofar as possible students need to experience a kind of sympathetic identification with the experience of others. The study of religion can involve portrayals--dramatic vignettes--of

significant, authentic, and integrative experiences of both spiritual virtuosi and common people. At the same time, however, a word of caution is in order. The classroom is not the holy of holies. The teacher needs to balance sympathetic appreciation or involvement with critical distance. The primary object of the study of religion in the public schools is to inform, not to save, to develop critical appreciation of religion, not adherence or committed involvement. That is a somewhat modest aim, and, in these difficult times, one that might be all too easily shunted aside by more totalistic goals.

[1]Payson Smith, "The Public Schools and Religious Education," in Religion and Education, ed. Willard L. Sperry, Religion in the Post-War World, Vol. IV (Cambridge: Harvard University Press, 1945), p. 32.

[2]School District of Abington Township v. Schempp; Murray v. Curlett, 374 U.S. 203 (1963).

[3]Ibid. at 225.

[4]Ibid. at 306.

[5]Robert Michaelsen, Piety in the Public School (New York: Macmillan, 1970), ch. vi.

[6]People of State of Illinois ex rel. McCollum v. Board of Education of School Dist. 71, Champaign County, Ill., 333 U.S. 203 at 236 (1948). The school ought to educate the student, Jackson pointed out, in "the currents of religious thought that move the world society for a part in which he is being prepared."

[7]I refer, of course, to those quoted earlier in this paper.

[8]See, for example, Religion in the Public Schools, a report by the Commission on Religion in the Public Schools (Washington, D.C.: American Association of School Administrators, 1964), pp. 22-23; U.S. News and World Report, 68 (2 March 1970), 39; Social Education, 33 (Dec. 1969), 910-16; National Review, 21 (14 Jan. 1969), 27; Today's Education, 58 (Dec. 1969), 24-26; Nation's Schools, 88 (Sept. 1971), 78; and the files of Religious Education.

[9]See Robert Michaelsen, "The Legal Syndrome and the Study of Religion," Journal of Higher Education, 35 (Oct. 1964), 373-78.

[10]See, for example, the various surveys by Richard H. Dierenfield, Religion in American Public Schools (Washington, D.C.: Public Affairs Press, 1962); Religious Education, 62 (1967), 455ff.; Religious Education, 66 (1971), 137; and Religious Education, 68 (1973), 96. Professor Dierenfield found in 1966 that there was less "teaching about religion" than there had been in 1960. In his most recent survey he found evidence of "a moderate increase in interest. . . ."

[11]Epperson v. Arkansas, 393 U.S. 97 at 106 (1968).

[12]Calvary Bible Presbyterian Church v. Board of Regents of the University of Washington, 72 Wash. 2nd 912 (1967).

The U.S. Supreme Court refused to rehear this case and hence upheld the state ruling, 398 U.S. 960 (1968).

[13]333 U.S. 203 (1948).

[14]Vaughn v. Reed, 313 F. Supp. 431 (1970).

[15]Effecting a program in the study of religion ought to be entrusted "very largely to the experienced officials who superintend the nation's public schools . . .," 374 U.S. 203 at 300. This is a point which I stressed some years ago in "The Legal Syndrome and the Study of Religion," Journal of Higher Education, 35 (Oct. 1964), 373-78, and in "Supreme Court and Religion in Public Higher Education," Journal of Public Law, 13 (1964), 343-52.

[16]"The Instructional Status of Academic Religion in Large City Public High Schools in the United States," doctoral dissertation, Baylor University, 1970, Dissertation Abstracts International, 31 (April 1971), 5221A.

[17]"Religion in Public Education: Principles and Issues," in Religion and Public School Education, ed. Richard U. Smith, Religious Education, 67 (July-August 1972), Pt. II, p. 19.

[18]"The Engaged Observer: Portrait of a Professor of Religion, "Journal of the American Academy of Religion, 40 (Dec. 1972), 419-24.

[19]U.S. v. Seeger, 380 U.S. 163 (1965), and Welsh v. U.S., 398 U.S. 333 (1970); an earlier case, Torcaso v. Watkins, 367 U.S. 486 (1961), is also relevant to the definition of religion.

00017

Personal Reflections on the Schempp Decision
by
Justice Tom C. Clark

I shall speak to you informally about Schempp and some of its predecessors as well as its progeny. Then when we finish you may ask me some questions. Probably I'll dodge them, but at least you can ask them.

I believe that there is no more important question before the public today than the one that has to do with public education religion studies. I think that it is significant that we can talk over these problems here, knowing that while some of us may not agree with the details, we are able to express ourselves in an open way that may lead to a better understanding of the problem and also, perhaps, to much clearer solutions. For although this is the tenth anniversary of the Schempp decision, we continue to face serious problems. I say this partly because in many areas of the United States today, they still have prayers in the schools. That's hard to believe, but it's true. I think these are things we must face up to.

I

It will be helpful to approach this problem historically. The First Amendment to the United States Constitution reads: "Congress shall pass no law . . ." Many people ask me how do you interpret that to mean that the states will pass no law. That came about through Cantwell v. Connecticut (1940), written by Justice Roberts. Prior to that time, the court had been extending--incorporating, some people call it--some of the first ten amendments (the Bill of Rights) through the Fourteenth Amendment's due process clause against the states. As you know, the Bill of Rights was placed in the Constitution as a protection against the federal government, against federal encroachment rather than state encroachment. The framers believed that if there was going to be any encroachment, it would be by the federal government rather than state governments. As you know, there was a confederation of states prior to the adoption of our Constitution, and so the Constitution was written in terms of federal rather than state encroachment. But as time went on, our concepts of ordered liberty, you might say, became a little more crystalized. Some justices thought that some of the provisions in the Bill of Rights, particularly those of the First Amendment--such as free speech and religion, were so important that they were part of all civilized systems of justice for those who believed in ordered liberty and that any due process provision should include them. For example, it was thought that the due process provision of the Fourteenth Amendment should include such practices as having a free press or freedom of religion, not only of the establishment but also of exercise. And so it came about that Justice Roberts wrote Cantwell v. Connecticut.

In Cantwell Justice Roberts incorporated the provisions of

00018

the First Amendment against the states. Some of us call it "visiting it" against the states. But generally it is spoken of as being incorporated into the Constitution with reference to the states by reason of the due process clause of the Fourteenth Amendment. Thus the phrase "Congress shall pass no law . . ." became "Congress nor the states shall pass no law . . ." Now we speak largely in these cases of provisions of state law having to do with religious freedom, though in that connection it might not be a statute of the state but some action of a state official or agency, for example, a school board. And that is where we get down to such cases as Engel v. Vitale (1962), the New York school case, in which the New York Board of Regents had adopted a prayer that the Board had written and which was required to be read at schools. At school it was obligatory upon all students of certain ages or over. As an example, this prayer had to do with exercise, you might call it, at the opening of the school in the mornings. Justice Black wrote the opinion striking this prayer down because it was a required prayer. By required, I mean that all students had to participate in it. As a consequence, the Justice and the Court decided it would infringe upon the "establishment" clause of the First Amendment, in that the Board of Regents through the creation and the requirement of this prayer had established a religion, which was prohibited by the First Amendment.

I suppose no more blood has been shed throughout history than has been shed over religious problems and over religious controversies. They go back for centuries, and thousands upon thousands of people have lost their lives over these controversies. Indeed, many of the Pilgrims who first came to our country left England because of the religious persecutions they had experienced there. As a consequence you would have thought that when they came here they would have tried to stay clear of established churches. Unfortunately, at the beginning practically all the colonies had established churches, and later it took people like Madison and Jefferson to bring about the First Amendment prohibiting the establishment of religion so far as the federal government was concerned.

After Engel v. Vitale came down, people--and lawyers in particular--began to read the cases in an effort to see if there was some way they might get around the problem. Someone decided that the best way to do that would be to choose some part of the Bible that might be used in lieu of the prayer that had been written by the New York Board of Regents. So the Lord's Prayer was chosen for use in Pennsylvania's Abington school district. It was required in somewhat the same manner, except that it was broadcast over a loudspeaker system and students were permitted to leave the classroom if they wished. Otherwise, it was a required prayer to be recited by the students in unison in their various classrooms when they first came to school. And in studying that case, of course, we had the likes of Engel v. Vitale and some other cases

going back to Cantwell v. Connecticut.

In considering this prayer, the Court decided that it presented the same problem that existed in the Vitale prayer. It's true that it was different. The prayer was not written by the school board or the school trustees but was chosen from the Bible and was required of all students except those who wanted to leave the class. The Court decided that this placed such a burden on the student that it no longer became a voluntary act, because the student would not ordinarily leave the classroom because of the conspicuousness of leaving and becoming absent. As a consequence, it wasn't a voluntary act and, therefore, it had no significance in the decision of the case. This case was, you might say, very much the same as Vitale in some regards and enlarged somewhat upon it.

II

The Court did not, in thoses days, have the system it now has for announcing opinions. As a consequence, newspapers often had difficulty in presenting the essential significance of important cases. Typically, at the time Schempp was handed down, journalists faced several disadvantages: large groups of cases were announced simultaneously, with the most important cases usually coming together at the end of a term, and cases appeared without headnotes which would enable reporters to quickly grasp the significance of an opinion. Faced with deadlines and the need to read through an entire opinion to grasp its essentials, journalists were not always able to report cases accurately. I remember quite well that even when Schempp came down, the newspapers didn't understand its full significance. One newspaper, I remember, said that we had kicked God out of the front door of the school house and let Communism in the back door. And some of the religionists took umbrage at the opinion although, I'm satisfied, they had not read the opinion. In fact, I remember one up in Cananda made a statement somewhat like the one I just mentioned. I'm satisfied he had never read the opinion because it wouldn't have been possible for it to have reached Cananda in its entirety in the short period of time that had elapsed. Still the ideas that people were able to form from these opinions were such that Schempp was given a very poor reception.

I remember well not long before I wrote Schempp visiting in Atlanta, Georgia. I sat next to a charming lady at dinner there at the country club one night. About a week after Schempp came down, I got a letter from her, and she said, "You know, Mr. Justice, I thought you were a nice man that might when you were my dinner partner. Since then," she continued, "I've read about the Schempp case, and I have decided that you're not." I could tell from the letter that she had not read the opinion. So I wrote her back and said, "Well, I enjoyed having you as a dinner partner. You were truly a southern lady. I was surprised at

your saying that you didn't understand the opinion and you didn't agree with it. Apparently, you haven't read it. One with your understanding I am sure would want to know what it is all about, so I am taking the liberty of sending you a copy." In about two or three weeks, I got a letter from her saying, " You know, I've read your opinion, and I believe you're right."

So I believe our problem has been and still is that quite a number of people have not read the sequence of the opinion. Indeed, they haven't read later ones. As a consequence it is difficult sometimes for them to understand just why we should ban prepared and obligatory prayers in the public schools. I'm sure those of you who have copies of the opinion (and if you don't have a copy, let me know and I'll send you one) realize that in writing the Schempp opinion, as well as Vitale, we went out of the way to try to point up the things that we were not passing upon. (And the things we are not passing upon are just as important as the things that we do pass upon in these opinions.) So when you run down the category of things that are enumerated--particularly in Schempp--as not being passed upon, you can easily see that the case was written on a very narrow basis and involves specific problems incident to the exact facts that were raised in that particular case. However, you can see from reading the entire opinion that there was an atmosphere in which it was written, a climate which was not at all antagonistic to religion. Indeed, it went back and quoted a sentence from the Mayflower Compact and went on down through the various institutions that have been created since that time--not only in the colonies but also in the various states--and pointed up some of the things that have happened with reference to our national as well as state governments: for example, "In God We Trust" on our coins; the opening of the Supreme Court itself by the crier, in which the Lord is called upon to bless the actions of the Court; the fact that there are preachers in the House and in the Senate, not only of the Congress of the United States but also in practically all of the fifty states. These things are indicative of the climate that the Court was operating in when it wrote these opinions.

The reason we still have a problem about prayers and religion in the public schools lies in ourselves. We have not devoted ourselves to trying to solve this problem as we have other problems that have confronted us. We sweep it under the rug; we don't want to talk about it. It's something that we don't want to get involved in; it's something that involves things that we are sometimes a bit loath to try to straighten out. We have sent men to circle the moon and created electronic miracles; we have spent billions of dollars in trying to improve our system of living. But of what avail is all this expenditure if we lose the very thing we have been trying to fight and to live for. It's really ridiculous that we have not taken these matters to heart and tried to solve them.

00031

I think that many people--including religionists--have taken a very narrow view. They don't want to embrace the idea of an exchange of information, of a comparative study of the Bible, or of a study of the influence of prayer on decision making or on civilization. They would rather have a prayer by rote, where we chant something which has no significance to the chanter or to those who don't chant or to those who leave the classroom. It would be much better if we taught our children to say a little prayer of their own--a grace in the morning or at noon or a prayer at night when they go to bed. This would be much more significant to them than parroting something, even though it's taken from the Bible itself, because it has no personal significance to those who merely parrot it.

We are giving up a great opportunity here. We are trying to put upon the schools the obligation that we owe to our own families. It's as simple as that. When I talk to Parent-Teacher Associations, I am amazed at the number of people who still think that we ought to have prayers in the schools or get through a prayer amendment of some kind. I say, "Why couldn't you have a little prayer at home?" We used to have a little prayer rug that we could kneel down on, and we always had grace at our meals. I guess I'm old-fashioned on this business, but I do know you wouldn't come here this afternoon unless you were really sincere and devoted to an effort to try to understand and to bring about an educational process that will bring religion to all of our kids--as well as ourselves. We need it just about as much as they do, as a matter of fact.

So, I think you have a great opportunity--particularly here where you have institutions such as PERSC doing so well in the field--to bring into the public schools throughout the United States a system of instruction that would bring a high moral fiber to the people of our country. And God knows we need it right now, we need it. Your work is cut out for you. And I tell you that there is no impediment in the decisions of the Supreme Court of the United States with reference to studying. Someone asked me only today, "What can a bunch of students do if they decided to have an exercise?" And I said, "Well, if they're going to have an exercise, they can't do much. But if they're going to have a study--if they're going to have something that's really got some meat to it, something that is really going to promote an exchange of ideas and build upon the imaginations and the good hearts of people--then they can do much, whether they do it voluntarily among themselves or whether they have an instructor to guide them along some path that would make certain that they receive the benefits that are possible in this area. They can do much. And I'm satisfied that with people like you here in charge of this program, you can agree upon and then disseminate a course of study that would soon be in all of the public schools throughout the country.

25000 00022

I know it's a tough job. Anything that's worth while is tough, you know. It takes time to do these things. We have to put our minds to it. Sometimes we have to give some. I have given some myself. On the Supreme Court, sometimes. you have to give some. You have to make yourself useful, as Benjamin Franklin used to say. He hoped his tombstone would read "He lived a life of usefulness." He died not rich in money but rich in friends and usefulness. And that's really the test. And so we have a great opportunity. I hope that here in Ohio you will be the bellweathers, that you'll be the ones that ring the bells and make the whole country notice. Some days it's going to be hard sledding; some days you'll get disappointments; some days you'll think that your religious principles are being infringed, perhaps; you may think that some of the ideas that you had when you were younger or even now have been lost; perhaps, you may think that some of the things that these youngsters have in their minds are irreligious. But when you figure it all out and give a little and take a little, you'll find in the final analysis that you can come up with a program that will really get the job done. And then you'll have the great satisfaction of knowing that you had a part in making this community and, through this community, the whole state and the whole nation a better place to live morally and spiritually.

QUESTION: Mr. Justice, What are your views on the prayer amendments proposed by some Congressmen and citizens?

JUSTICE CLARK: Well, I'm opposed to it, of course. I don't think it's necessary, one; and, two, I don't think we ought to tamper with the First Amendment. It is, I think, enunciated pretty well now in a series of cases, which has taken over a hundred years to evolve. As you know, the Court acts slowly. If you were to amend it, I don't know how many hundred years it would take to get it in the same understanding that we have now; and I think it's too dangerous a process to try to amend such an important amendment to the Constitution. It's well for us to have a women's lib amendment. That shows we're growing. But we have proven to ourselves that one of the great protections that we need in our country is the protection of the freedom of religion, freedom in the establishment of religion and, also, in the practice of it. So I wouldn't tamper with it.

QUESTION: Mr. Justice, you have left me with the impression that you identify religion studies with moral education and that you attach more importance to the latter than the former. Is this correct?

JUSTICE CLARK: Well, I think that is just a side benefit that you get--the moral part of it. My instruction would be, it's true, <u>about</u> religion. It wouldn't be about any particular religion; it would be <u>about</u> religion Through that, though, I think that you could get an

exchange of information that would be more valuable than if you picked out some particular religion. After you get through with all this study about religion, then you can pick out a particular one for yourself that you like, and you can worship that in any way you wish. But, while we're using public facilities, we try to maintain--as Chief Justice Taft said--a neutrality with reference to religion. Now I grant you that's hard to do, but that's our purpose; that's our over-all goal.

QUESTION: Mr. Justice, would you include the study of atheism in the public schools?

JUSTICE CLARK: Well, I think this study should have studies on atheism: just what effect does it have throughout history, what effect does it have now, what are the concepts of it. I notice there's a difference as to just what is an atheist. Some people would say--some of Tillich's theories, for example--that a cloud might be your god, or a tree might be your supreme being. That's in effect an agnostic. I'm sure that Dr. Tillich would not agree. So we ought to look into those things, exchange ideas about them, study about them; and then you can come to a better understanding concerning them.

QUESTION: Mr. Justice, I have a question concerning the phrase "teaching about religion objectively." It's the word "objective" that I'm interested in. That has become a kind of slogan, or a concept around which so much discussion in teaching about religion now centers. I'm just curious, I'm wondering whether you entered those words in the decision in a casual or ordinary sense or whether those words were chosen with some special deliberation coming from a more technical background or source, such as, religionists sometimes speak about "objectivity" in their academic studies or educationists sometimes speak about "objectivity" in teaching--or whether it could come from earlier Greek or earlier court decisions. I'm wondering whether it is ordinary language or very carefully chosen religious language of some kind.

JUSTICE CLARK: I'd say the latter--deliberately chosen.

QUESTION: Mr. Justice, is there a source, then, kind of a history of those words or that concept in your own thinking?

JUSTICE CLARK: No, most of the cases up to that time, with the possible exception of Engel v. Vitale, would not go into that. What I was trying to do was point in another

direction that we might go, rather than striking down all directions; I was trying to point out a direction we might follow in an effort to try to reach the same goal but go through a constitutional route rather than an unconstitutional one. An objective study certainly is difficult to do, I know. But if we endeavor to do it and show that it was intended to be objective, that would be the test.

QUESTION: Was there anything that you read connected with writing the case that influenced you to use those words?

JUSTICE CLARK: No other than just the use of the English language--that "neutrality" and "objectivity" are somewhat first cousins. So I would say, the one--from my standpoint--would be quite correct.

QUESTION: Mr. Justice, would you accept the idea that there is a distinction between the word "religion" as you used it in your case and the study of moral and spiritual values?

JUSTICE CLARK: Yes, I do. I wrote another opinion, based on Dr. Tillich, which is why I was familiar with that.* It's not that I'm well versed in this whole thing. It just happened that I was exposed. I rather think that perhaps Dr. Tillich is right. You know, in the statutory definition of one who might be exempted from the draft, Congress uses the term "Supreme Being." Most atheists do not believe in our concepts of a supreme being. And so, we thought we might get a test case by an atheist to see if that statute would pass muster. And so, since I was reading Tillich, I decided that, perhaps we could read that concept into the statute. And that was that some people's supreme being is not the same supreme being of other people. In other words, your supreme being might be the one God; another supreme being might be bronze image; another one might be a beautiful tree; another one might be a waterfall; another one might be a cloud or something like that. And if this is sincere, that would be in so far as that individual is concerned, in the eyes of Tillich, a religion.

QUESTION: Mr. Justice, do you think the public schools really need to be involved in teaching about religion?

*The case to which Justice Clark refers in this answer is U.S. v. Seeger (1965).

JUSTICE CLARK: The gentleman asked whether or not I thought the schools should be in the prayer business, in the religious business. It's a very sad commentary where we have to depend on the schools to do it. It's outside, I think, of the ordinary function of the school system. I hesitate to condemn the ministry, but frankly, they haven't taken advantage of the usefulness that they could be. And I think that rather than building these edifices that strike up like they're trying to reach to the heavens, we ought to build some facilities that would attract people who would, thereby, be influenced by religious principles that would be involved. And I think that quite a bit of our religion that is practiced today is 1) pageantry and 2) big buildings and high spires. I'm one to believe that we ought to have in the church some practical functions that could be performed by the church. And I think that when the church was reaching, I think, a higher percentage than they are now--I understand now about fifty per cent and about half of them go to church; I think in our earlier history certainly there was a higher percent. Of course, we didn't have as many people, but I think if the church would change their objectives and take it away more from trying to architecturally build something and make it where they would try to build people--build human beings--why, I think the school would not have to undertake the study of religion. But until that happens or the homes take it over and I have no confidence that the homes are going to take it over. The home has practically deteriorated to nothing. So I would say that unless the church systems change their stance, possibly next best would be the school system because it could reach so many thousands in one swoop.

QUESTION: Mr. Justice, I have reached the conclusion that the Supreme Court's major decisions on religion and public education center on the "establishment" clause and do not consider the "free exercise" clause. Do you agree?

JUSTICE CLARK: Well, I really think that, of course, the cases we've been talking about are all on the "establishment" clause. And we haven't had many cases, direct ones, on the "free exercise" clause. I really think that you're going to find that that will possibly be developed more in the near future. And that perhaps the ideas of Justice Stewart in Schempp might take hold. I would think there's a great opportunity in that area, speaking now from a legal standpoint, of developing just what the "free exercise" clause does permit. And I think that you'll find the court receptive in that area. I would hope so.

The Decisions of the Court
by
Charles M. Whelan

When a constitutional lawyer looks at religion studies in public schools, colleges, and universities, he is particularly interested in three questions:

1. What has the United States Supreme Court said about the subject?

2. What have the state and lower federal courts said about the subject?

3. What are all the courts, state and federal, likely to say about the subject in the next five or ten years?

In the course of this paper I shall answer these three questions. Like any other constitutional lawyer, I reserve the right to change the answers as the courts keep developing the law in this area. So far, the courts have said very little. Indeed, the most remarkable legal fact about the area is that the courts have not been asked to say very much. They have ruled many times on devotional exercises in the public schools and a significant number of times on situations in which nonpublic school teachers were giving avowedly sectarian instruction on public school premises to public school students during regular public school hours. But the courts have rarely been asked to rule on the precise question in which you are interested: the constitutionality of religion studies in public schools, colleges, and universities.

Courts, of course, are not the only oracles of the law. A number of state attorneys-general have written formal opinions in which they have addressed themselves to our question. So far as I know, the opinions have been uniformly favorable. They have also been uniformly lacking in specific details, so that they add up to very little more than a general expression of benevolence towards the basic idea.

The United States Supreme Court is now approaching the end of its current term. At the present moment there are fifty-two fully argued cases awaiting decision. All of these decisions should be released in the next two weeks.[1] Fortunately, I can assure you that none of these cases has any direct bearing on the subject before us. The only set of cases that has even an indirect interest for us is the group dealing with the constitutionality of various forms of public assistance to education in nonpublic schools. I shall discuss the possible relevance of these cases later, after I have reviewed the judicial action that produced the the Schempp decision[2] and the later Supreme Court cases that have modified the Schempp decision in certain respects.

330 00027

I

The Background of Schempp

What produced Schempp? On another day and with a different audience, I could answer that question with far greater fearlessness than I experience today. After all, we have just been privileged to hear an explanation of the Schempp decision from its author, Mr. Justice Tom C. Clark. There could be no better qualified exponent of the decision than he. All of us who are interested in religion studies in public educational institutions owe a great deal of gratitude to Mr. Justice Clark for two reasons. First, he was careful to include the famous sentences on the legitimacy of the objective study of religion in the Schempp majority opinion. Secondly, he had the courage and energy to depart from the normal course of action taken by the authors of major Supreme Court opinions, and took the trouble to explain carefully to the public exactly what the decision did and did not stand for.

In my opinion, Schempp was produced by the particular composition of the Supreme Court at the time the case was taken, argued, and decided, and by the fact that, since the early 1940's, the Supreme Court had been coming to grips with the rights of relatively tiny and mostly unpopular religious minorities. These groups, beginning with the Jehovah's Witnesses, were strongly asserting their rights in the state and federal courts during the Forties and Fifties. The groups were contesting the de facto religious establishment and the practical disabilities to which that establishment subjected them. In a series of notable decisions by the Supreme Court during the 1940's, the Jehovah's Witnesses secured their right to spread their teachings without harassment from the arbitrary enforcement of licensing and taxing laws by hostile local officials. The necessity for intervention by the Supreme Court on behalf of the Jehovah's Witnesses is amply evidenced by the fact that the Court had to decide almost twenty cases in ten years before local and state officials gave in and accorded the Witnesses the same benevolent treatment as other larger and more traditional religious groups.[3]

The decisions in Everson, McCollum, and Zorach come at the tail end of the Jehovah's Witnesses development.[4] Significantly, the well-established churches won the two (Everson and Zorach) that did not substantially affect the rights of small, unpopular religious groups but lost the one (McCollum) that did. Everson dealt with free transportation for public and nonpublic school students; Zorach dealt with letting children out of public school to attend church-sponsored religious instruction someplace else; and McCollum dealt with letting the churches use the public school facilities during regular public school hours to give avowedly sectarian teaching to public school students whose parents wanted them to get it.

After McCollum, which was decided in 1952, the Supreme Court said nothing relevant to our present interests for nine years. Then, during President John F. Kennedy's first year in office and at a time when the controversy over the constitutionality of including parochial schools in federal aid to education was particularly fierce, the Supreme Court decided the Sunday Closing Law Cases.[5] These cases, from the point of view of most of the large and well-established churches, were an unqualified victory. Sunday was upheld as the common day of rest, and the consequent economic burdens on Sabbatarians were held to be constitutionally permissible. It was small comfort to the disestablished religions that, at the same time, the Supreme Court held that the states could not demand an affirmation of belief in the existence of God as a condition of holding public office. Even the well-established churches were not unhappy with this second decision (Torcaso v. Watkins).[6]

The next year, 1962, witnessed the Supreme Court's invalidation of the New York Regents' prayer in Engel v. Vitale.[7] Although the decision could have been read narrowly, it was in fact --and quite correctly--read broadly by the well-established churches as a prohibition of state-sponsored prayer in the public schools. The correctness of this interpretation was borne out by the Supreme Court's decision one year later in School District of Abington Township v. Schempp. In both Engel and Schempp, what the Supreme Court said boiled down to this: the state governments and the major denominations cannot use the public school system to foster a national religion against the objections of those who are opposed to such a use. Even though there are relatively few who are opposed, they have the constitutional right to send their children to the public schools without having their children exposed to the religious pressures created by the presence of the churches in the public school classrooms during the regular public school day.

The major factor, therefore, in my opinion, in the judicial action that produced McCollum, Engel, and Schempp was the same factor that was operative in the Jehovah's Witnesses cases: the determination of the Supreme Court to protect those who belonged to relatively small and frequently unpopular religions from the pressures created by the de facto establishment in the United States of the major Christian denominations. The language of the Schempp decision repeatedly stresses the theme of governmental neutrality towards all religious groups. By upholding the claims of the disestablished groups, the Supreme Court was tacitly conceding that we have a de facto religious establishment in the United States and that the government was supporting it to the prejudice of the constitutional rights of those who did not accept it.

If I am correct in this interpretation of the judicial action that produced the Schempp decision, there is an important consequence for the constitutionality of religion studies in public

85000
00029

schools, colleges, and universities. As long as these studies are not structured or conducted in such a way as to pit the smaller denominations against the de facto establishment, the United States Supreme Court will not interfere. To trigger such intervention, opponents of religion studies would have to show the Court substantial evidence that religion studies were simply a mask for the revival of the old alliance between Protestant Christianity and the public schools.

I think the Supreme Court meant to tell us as much when, towards the close of Mr. Justice Clark's majority opinion, the Court stated:

> In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment.[8]

II

Supreme Court Decisions since Schempp

Nothing that the Supreme Court has said in the last ten years has altered or impaired this endorsement by the Supreme Court of religion studies in public schools, colleges, and universities. The famous "no aid to religion" paragraph in the Everson case has been discarded by the present Supreme Court and the two-pronged test of Schempp (secular purpose and primary neutral effect) is now three-pronged (plus no excessive entanglement) as a result of the Supreme Court's decisions in Walz v. Tax Commission (1970) and Lemon v. Kurtzman (1971).[9] But the deliberate dictum on the constitutionality of religion studies in public educational institutions stands as firm as ever--indeed firmer, if possible, as a result of certain Supreme Court decisions in the area of academic freedom. I will not, however, delay on these decisions because they are tangential at best and because they are unnecessary to support the proposition that bona fide religion studies in public schools, colleges, and universities are perfectly constitutional.

Sometime in the next two weeks the Supreme Court will decide four cases dealing with the constitutionality of various forms of public assistance to education in church-related institutions.[10] It is possible that the Court, or some individual justices, might inject some dicta in their decisions that would have a bearing on religion studies in public educational institutions.[11] For

example, particularly in the college aid case, Hunt v. McNair, the Court might give some better indication of what makes religious instruction "sectarian" than it did in Tilton v. Richardson (1971), the case in which a bare majority of the Supreme Court sustained the constitutionality of construction grants to four particular Roman Catholic colleges under the federal Higher Education Facilities Act of 1965.

More importantly, if the Supreme Court should hold that children attending church-related elementary and secondary schools cannot be given anything more than buses, books, lunches, and health services, and that the schools themselves cannot be given anything more than tax exemptions, I regard it as certain that a very substantial number of children in church-related schools will be transferred to the public schools. This will greatly increase the interest of the Roman Catholic hierarchy in the development of religion studies in the public schools.

III

State and Lower Federal Court Decisions

So much for the United States Supreme Court. What have the state and lower federal courts said about our subject? Almost nothing. In ten years there have been but two reported cases: Calvary Bible Presbyterian Church of Seattle v. Board of Regents (1968) and Vaughn v. Reed.[12] The first case involved an English course at the University of Washington that concerned itself with the literary features of the Bible, the history of ancient Israel, the authorship of the various books of the Bible, and their interpretation from a literary and an historical point of view. The second case involved elementary schools in Martinsville, Virginia. The Martinsville program was almost an exact duplicate, externally at least, of the program declared unconstitutional by the Supreme Court in the McCollum decision of 1948.

The Supreme Court of Washington upheld the constitutionality of the English course and the United States Supreme Court denied review. The United States District Court for the Western District of Virginia admonished the Martinsville public school authorities to overcome the McCollum decision by not excusing any students from the religion courses (thus removing the suspicion that the courses were not "objective") and by hiring the religion teachers themselves instead of letting the local churches pay them (thus insuring control of the teachers by the school authorities). We may be tempted to smile at the ingenuity of Judge Dalton, Chief Judge of the federal district court, but we should give him credit for emphasizing that the stated objectives of the Martinsville religion courses were quite different from those of the courses involved in the McCollum case.

The opinion of the Supreme Court of Washington in the English

course case is considerably more instructive about what the state and lower federal courts are likely to hold, at least with respect to religion studies in public colleges and universities. The gist of the plaintiffs's complaint, as the Supreme Court of Washington saw it, was this:

> That the manner in which said presentation is made [of English 390] is contrary to the religious beliefs of the Plaintiffs, both individually and as church organizations and congregations. That said manner of presentation is in itself the presentation of a religious point of view, being one of several theological positions within the Protestant faith.[13]

The Supreme Court of Washington replied to this complaint as follows:

> The result advocated by plaintiffs would be catastrophic in the field of higher education. Would plaintiffs have us strike the words of Milton, Dante, and the other ancient authors whose writings have survived the ages, because they wrote of religious theories with which plaintiffs quarrel? Our constitution does not guarantee sectarian control of our educational system.[14]

The Supreme Court of Washington went on to ratify, as supported by competent testimony, the trial court's conclusions of the fact that English 390--"The Bible as Literature"--was taught in an objective manner, did not induce any particular religious belief, and did not advance any particular religious interest or theology.

One point of interest in this case is that a number of students testified about what the course was actually concerned with and how it was actually taught. The student's testimony, not surprisingly, gave different accounts of both the subject matter and the teacher's method and religious orientation. Fortunately, the trial court believed the students who testified in favor of the objectivity of the course, and the Supreme Court of Washington refused to disturb the trial court's finding. It is interesting to speculate whether the court's task would have been easier if all the students had said the same thing--or whether the court would have been irresistibly tempted to judicially declare the existence of a miracle.

After intensive search, the University of Washington case and the Martinsville, Virginia, elementary school case are the only two cases I have been able to find dealing with religion studies after the Schempp decision. Perhaps the state and lower federal courts have been too busy with desegregation, inequalities in public school financing, aid to nonpublic schools, censorship of student newspapers, long hair, and short skirts to have time to deal with

the constitutionality of religion studies in public educational institutions. More likely, the programs that have been instituted have been carefully designed and executed, have won wide public acceptance, and have not met with serious opposition from the relatively small and unpopular religious groups. Moreover, it is extremely significant that Leo Pfeffer, the guiding genius of most successful legal attacks on the de facto religious establishment, has himself repeatedly expressed the view that the objective teaching of religion in public educational institutions is fully constitutional.

IV

Future Directions

That brings me to the final part of this paper: What questions are the state and federal courts likely to be interested in during the next ten years with respect to religion studies in public schools, colleges, and universities?

Certain questions are obvious enough: the academic credentials of the teachers; public control of the teachers; the design and stated objectives of the program; the elective or compulsory character of the program; the kinds of books and teaching materials that are used; the reactions of the students.

There is, however, a more serious question that will attract the attention of the courts: What will they be doing to our educational system if they interfere in any but the most serious and indisputable cases of religious discrimination or harassment? The courts do not want to run the schools, and they certainly are not going to give the churches--or any other religious groups or individuals--a right of veto over the curriculum of public education.

In an extremely perceptive article published eight years ago, Professor Robert Michaelsen pointed out that the educational question must come first and the legal question second. As Professor Michaelsen put it:

> My point is that the question of the study of religion has sometimes been obscured--if not avoided--by an undue sensitivity to the legal question or by an approach which has not dealt with legal implications in the context of the prior and more fundamental question--the educational.[15]

I agree thoroughly with Professor Michaelsen. Moreover, I am certain that the courts themselves will do so in all future litigation in this area. The most important thing to do in all future cases is to show the court the academic why--the educational reasons--the religion studies programs are being conducted. If

the court grasps the validity of the educational reasons, the details of the programs will be seen in their proper perspective. Fortunately, what the courts have said so far gives us every reason to expect a favorable hearing in the next ten years.

000340

[1]This paper was presented on June 17, 1973.

[2]School District of Abington Township v. Schempp, 374 U.S. 203 (1963).

[3]The first in this line of cases was Lovell v. Griffin, 303 U.S. 444 (1938); the most notorious were the flag salute cases: Minersville School District v. Gobitis, 310 U.S. 586 (1940), and West Virginia Board of Education v. Barnette, 319 U.S. 642 (1943).

[4]Everson v. Board of Education of Ewing Tp., 330 U.S. 1; Illinois ex rel. McCollum v. Board of Education, 333 U.S. 203; and Zorach v. Clauson, 343 U.S. 306.

[5]The leading case is Two Guys From Harrison-Allentown, Inc. v. McGinley, 366 U.S. 582.

[6]367 U.S. 488.

[7]370 U.S. 421.

[8]374 U.S. at 225. See also the concurring opinions of Mr. Justice Brennan (374 U.S. at 300-301) and Mr. Justice Goldberg, with whom Mr. Justice Harlan joined (374 U.S. at 306).

[9]397 U.S. 664; and 403 U.S. 602.

[10]Norwood v. Harrison 93 S. Ct. 2804 (1973); Levitt v. Committee for Public Education and Religious Liberty, 93 S. Ct. 2814 (1973); Hunt v. McNair, 93 S. Ct. 2868 (1973); and Committee for Public Education and Religious Liberty v. Nyquist, 93 S. Ct. 2955 (1973).

[11]For example, Chief Justice Burger asserted in Norwood v. Harrison that "the transcendant value of free religious exercise in our constitutional scheme leaves room for 'play in the joints' to the extent of cautiously delineated secular governmental assistance to religious schools, despite the fact that such assistance touches on the conflicting values of the Establishment Clause . . ." (93 S. Ct. at 2813); and in Levitt v. Committee for Public Education that "the State is constitutionally compelled to assume that the state-supported activity is not being used for religious indoctrination" (93 S. Ct. at 2819).

[12]72 Wash. 2nd 912 (1967); 313 F. Supp. 431 (1970).

[13]436 P. 2d at 191.

[14] Ibid. at 193.

[15] "The Legal Syndrome and the Study of Religion in the Context of the State University," Journal of Higher Education, 35 (1964), 373-78.

00036

The Definition of Religion
by
Harold M. Stahmer

I

In this paper I intend to refer to the development of legal definitions of religion as an aid in understanding some of the problems involved in defining religion. One reason for doing this is to suggest that those interested in religion and religious expression may discover that our traditionally conservative branch of government, the United States Supreme Court, has frequently been more tolerant, sensitive, and liberal in defining religion than perhaps is the case for some of us gathered here. Many of the Court's decisions constitute excellent introductions to the definitional problems faced by professional students of religion.

I would like to begin with a fairly obvious but important observation and that is that we usually only begin to get serious about definitions when there is genuine need to do so. Related to this is the corollary that we rarely define something except within the context created by this need.

Against this background I propose that we consider our topic, "The Definition of Religion," within the context provided by the First Amendment to the Constitution: "Congress shall make no law respecting an establishment of religion nor prohibiting the free exercise thereof." Thus, one consideration to keep in mind is that when attempting to define religion we do so with the words "establishment" and "free exercise" continually before us, and remember that our jurists performed their task with "religious freedom" or "liberty" constantly in mind. Thus a definition makes sense only within a definite context and only if it helps us to understand what is meant by legal guarantees or restraints involving, in this instance, religious liberty. In this connection one of the greatest freedoms guaranteed us by the First Amendment is that freedom to define religion, religious, and the sacred.

Another assumption on my part related to our task is to suggest that despite the action of Congress in 1954 to insert "under God" in the pledge of allegiance and the adoption in 1956 of "In God We Trust" as our national motto, the definitions of religion and religious liberty now constitutionally permissible go far beyond those definitions of religion which are limited to recognition of or devotion to God as a person or subject worthy of devotion, awe, or reverence. In this connection it is interesting to note that these recent additions to our seal and pledge of allegiance probably reflect earlier and more specifically Christian definitions of religion as embodied, for example, in the 1803 New Hampshire Supreme Court and 1890 Davis v. Beason decisions. The Court said, for example, in 1803 that:

00037

> Religion is that sense of Deity, that reverence for the Creator, which is implanted in the minds of rational beings. It is seated in the heart and is conversant with the inward principles and temper of the mind. It must be the result of personal conviction. It is a concern between every man and his Maker. Public instruction in religion and morality, within the meaning of our constitution and laws, is to every purposes a civil and not a spiritual institution.

In 1890 the thinking of the Court still reflected what I prefer to regard as a narrower or more limited definition of religion when it stated:

> The term "religion" has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will. It is often confounded with the cultus or form of worship of a particular sect, but is distinguishable from the latter. . . . With man's relations to his Maker and the obligations he may think they impose, and the manner in which an expression shall be made by him of his belief on those subjects, no interference can be permitted, provided always the laws of society, designed to secure its peace and prosperity, and the morals of its people are not interfered with.[1]

II

This narrower and more limited view of religion I categorize as being subsumed under what I call "establishment" rather than "free exercise" definitions. Definitions falling within the "establishment" framework, I suggest, are distinguishable by the following characteristics:

> a) Belief in a transcendental personal Being or God, who may or may not also have immanent concerns, and who is usually referred to as God, Deity, Creator, Saviour, Redeemer, Revealer, or Maker.
>
> b) A direct or indirect reference to the Christian God or Deity. This association is supported by frequent early references in State Constitutions to the "Christian religion" as the new nation's unofficial/official religious model. Virginia, for example, when it adopted its Bill of Rights in 1776 stated in connection with religious freedom "that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other." and in 1892 in Church of the Holy Trinity v. United States the Supreme Court said, "These, and many other matters. . .

add a volume of unofficial declarations to the mass of. . . utterances that this is a Christian nation."[2] Consideration should also be given to the fact that even today there are still those, such as the membership of the Christian Amendment Movement, who advocate the passing of Constitutional amendments to legalize prayers and Bible readings in the public schools. One of the aims of this group in 1953 was to amend the Constitution to read that "this Nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of Nations through whom are bestowed the blessings of Almighty God."

c) The existence of a formal clergy set apart to minister to the needs of the faithful.

d) The existence of a Sacred writ or Scriptures believed by many or most adherents to be divinely inspired.

e) The existence of creeds and rituals that visibly identify believers or adherents of a particular religion.

f) The embodiment of such religious beliefs and practices with a cult or corporate body of believers rather than viewing these practices as private or solitary expressions of religious belief.

Two definitions by contemporary students of religion illustrate this view quite well. "Religion. . . can be defined as a system of beliefs and practices by means of which a group of people struggles with these ultimate problems of human life. It is the refusal to capitulate to death, to give up in the face of frustration, to allow hostility to tear apart one's human associations." And, "It is. . . basic [to the] idea of religion. . . [that] myths and dogmas characteristically comprise its content, ritual reflects its qualities, religious ethics derives from it."

Although there has been a tendency in the courts to identify the word "religion" in the First Amendment with "organized religion"--that is, Protestantism, Catholicism, and Judaism--we must remember that the First Amendment, as Professor Tussman noted, "does not speak specifically of churches, but of religion."[3]

Until relatively recently, there is little evidence in state and federal constitutional decisions that there might be definitions of religion that depart from the "establishment" definitional legal umbrella. It was not, for example, until 1961 in Torcaso v. Watkins that the Court began to depart from the more traditional and restrictive definitions of religion such as those just referred to in Macintosh and Davis v. Beason.[4] Torcaso was a landmark case to the extent that it recognized the broadest

possible definitions of "religion." The Court's position was that neither a State nor the Federal Government "can constitutionally pass laws" or impose requirements which aid all religions as against non-believers, nor can they pass laws which "aid those religions based on belief in the existence of God as against those religions founded on different beliefs."[5]

III

With Torcaso we move away from "establishment" definitions of religion to a recognition of the fact that the "free exercise" of religion includes non-conventional and non-traditional forms of religious expression and belief as well as the more conventional and traditional. The Court said, for example, in Torcaso that "Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others."[6] It then cited a number of lower court decisions and standard texts and reference works to support its point. Among those cited was Judge Hand in United States v. Kauten (1943): "Religious belief arises from a sense of the inadequacy of reason as a means of relating the individual to his fellow men and to his universe. . . . [It] may justly be regarded as a response of the individual to an inward mentor, call if conscience or God. . . ." The Court also quoted from Washington Ethical Society v. District of Columbia (1957):

> "Reference to standard. . . definitions discloses that the terms 'religion' and 'religious' in ordinary usage are not rigid concepts. Indeed, the definitions. . . are by no means free from ambiguity. Some definitions would include only the Christian religion. Some call for belief in and worship of a divine ruling power or recognition of a supernatural power controlling man's destiny. But also included in these definitions is the idea of 'devotion to some principle; strict fidelity or faithfulness; conscientiousness, pious affection or attachment.'"[7]

The effect of the Torcaso decision was to extend protection not only to religions such as Taoism which do not believe in the existence of God in the Western sense, but also to groups such as Ethical Culture, many of whose members are atheists and agnostics, and also to the individual atheist or non-believer. The latitude of the Court's decision is quite consistent with the view of Jefferson, for example, who on a number of occasions stated that the government may not intrude "into the field of opinion," since it ultimately "destroys all religious liberty." In 1878 in Reynolds v. United States Chief Justice Waite referred frequently to Jefferson in dealing with the religious freedom guarantees, but in each instance he avoided any direct definition of religion, preferring to base his decision on the action-belief dichotomy,

which Jefferson outlined in a reply to the Danbury Baptist Association: ". . . the legislative powers of the Government reach actions only, and not opinions. . . ."[8] It is clear that in the Torcaso case, the Court wished to protect an individual's right to uncoerced freedom of "belief and religion," that is, complete intellectual freedom.

Earlier cases anticipated this mood. In 1943 in Barnette, the Jehovah's Witness flag salute case, Justice Jackson said it was possible to view the flag salute as "an affirmation of belief" or "an attitude of mind"and that this violates an individual's right of intellectual freedom under the Bill of Rights.[9] McGowan, the Sunday closing law case, was decided in 1961 just three weeks before Torcaso was decided. In his opinion, Justice Frankfurter discussed the establishment clause and acknowledged that it was obviously directed at the prohibition of an established church in the colonies. He added, however, that the drafters of the establishment clause wished to go beyond the more obvious application.

> The Establishment Clause withdrew from the sphere of legislative concern and competence a specific, but comprehensive area of human conduct: man's belief or disbelief in the verity of some transcendental idea and man's expression in action of that belief or disbelief. Congress may not make these matters, as such, the subject of legislation, nor, now, may any legislature in this country.[10]

IV

These more recent expanded definitions of religion reflect a conviction held by our constitutional forefathers--namely, that not only our political philosophy, but authentic religion as well, is determined by "historical necessity" and our "cultural situation." Professor Philip Kurland and Father John Courtney Murray agreed that the religion clauses of the First Amendment were not statements of "abstract principles," that "history" rather than logic, "necessity" rather than morality, accounted for their presence in the Constitution.[11] If we recognize the conditioning quality of cultural and historical factors upon our political philosophy, how can we resist allowing the same latitude with respect to the shape of religion in our time? Father Murray noted that our country's historic position on religious liberty and church and state was an outgrowth of the "pressure of. . . necessity for the public peace."[12] Are we not obligated to apply the same principles of "historical necessity" to the current cultural situation particularly as it affects our current religious needs?

Paul Tillich recognized this in his definition of religion as "ultimate concern." In his Theology of Culture he stated that

> Religion as ultimate concern is the meaning-giving

> substance of culture, and culture is the totality of forms in which the basic concern of religion expresses itself. In abbreviation: religion is the substance of culture, culture is the form of religion. Such a consideration definitely prevents the establishment of a dualism of religion and culture. Every religious act, not only in organized religion, but also in the most intimate movement of the soul, is culturally formed.[13]

In all ages men have recognized change, progression, and development as necessary accompaniments to the spiritual life. The dilemma brought about by the imposition upon the human situation of new ultimate questions has inevitably resulted in considerable disagreement and puzzlement with respect to prevailing absolutes and norms. Consider for a moment the effect upon the then prevailing religious norms of the millenarian vision of St. John the Divine, Tertullian, Joachim of Flora, Hugh of St. Victor, Almaric of Bena; or, more recently, Fichte, Hegel, Schelling, Comte, Feuerbach, Marx; and in our own time, Franz Rosenzweig, Eugen Rosenstock-Huessy, Julian Huxley, Dietrich Bonhoeffer, and Teilhard de Chardin. Given the prevailing latitude with respect to definitions of religion, on what grounds can one possibly determine which of these is a religious and which a secularist vision?

While the insights of representatives of the history of religion school like Professor Mircea Eliade would suggest that men cannot live without distinctions such as "sacred" and "profane," the writings of Bonhoeffer, Tillich, Buber, Rosenstock-Huessy, and Bishop Robinson would suggest the opposite. Tillich, for example, says:

> A second consequence of the existential concept of religion is the disappearance of the gap between the sacred and the secular realm. If religion is the state of being grasped by an ultimate concern, this state cannot be restricted to a special realm. . . . The universe is God's sanctuary. . . . Essentially the religious and the secular are not separated realms. Rather they are within each other.[14]

For some, terms like "religion" and the traditional implications of such distinctions as "sacred" and "profane" have now been rejected. Apart from the fact asserted by Arthur Cohen and others that Judaism is not a "religion," mention need be made only of Dietrich Bonhoeffer's views on the subject of "Christianity without religion." With reference to Bonhoeffer's thoughts on this subject, Bishop Robinson writes:

00042

> But suppose men come to feel that they can get along perfectly well without "religion," without any desire for personal salvation, without any sense of sin, without any need of "that hypothesis"? Is Christianity to be confined to those who still have this sense of insufficiency, this "God-shaped blank," or who can be induced to have it? Bonhoeffer's answer was to say that God is deliberately calling us in this twentieth century to a form of Christianity that does not depend on the premise of religion, just as St. Paul was calling men in the first century to a form of Christianity that did not depend on the premise of circumcision.[15]

Note the following statement from one of the most widely used religious texts on college campuses in the area of comparative religion:

> Orthodox Hindus have an extraordinarily wide selection of beliefs and practices to choose from: They can be pantheists, polytheists, monotheists, agnostics, or even atheists; dualists, pluralists, or monists; they may follow a strict or loose standard of moral conduct, or they may choose instead an amoral emotionalism or mysticism; they may worship regularly at a temple or go not at all. Their only universal, if they are orthodox, is to abide by the rules of their caste and trust that by so doing their next birth will be a happier one.

Decline of belief in a personal deity applies not only to representatives of non-Western "religious" traditions; it is beginning to make inroads on Western theism despite the traditional stress upon the personal character of the deity which manifests itself both in God's transcendence as well as in his immanence.

The term "religion" as used today might include almost any kind of ultimate concern with or without an act of personal commitment. In the area of faith, belief, and commitment the term is ambiguous if not neutral or inapplicable against the backdrop of current usage. For example, Professor Tillich's criteria for determining what falls within the realm of theology would include any "creative interpretation of existence" of the kind carried on "in every period of history under all kinds of psychological and sociological conditions." For Tillich the "first formal criterion of theology" requires that "the object of theology is what concerns us ultimately. Only those propositions are theological which deal with their object insofar as it can become a matter of ultimate concern for us." The "second formal criterion of theology" defines ultimate concerns as "that which determines our being or not-being. Only those statements are theological which deal with their object insofar as it can become a matter of being or not-being for us."

Note that these criteria define theological concern without reference to commitment of any kind. Commitment, for Tillich, involves an act of faith, but even here the term "faith" might conceivably include commitment to every conceivable kind of cause or ideology regarded from the individual or group's standpoint as an ultimate concern insofar as it involves a question of being or not-being. Reinhold Niebuhr and others referred to communism for example, as a religion or a "Christian heresy." William Hordern defines religion "as belief in a power or process, beyond man, with which man can co-operate and which assures the victory of good over evil." Hence, he argues, ". . . communism is a religion, for it believes that the process of dialectical materialism, with which man can co-operate is carrying man inevitably to the victory of Communism." The Communist, certainly, is grasped by an ultimate concern which for him is a matter of life or death, not only personally but also theoretically in terms of his own insignificance and worthlessness except he participate in the realization of his Messianic age, his classless society.

These remarks will be insufficiently radical for some, while others will disagree with what they regard as a distortion of their own definition of "true religion." Yet even the most theologically conservative minds in this country must admit that there exists today an increasingly large audience for such views especially among college students and others in this nation, in Europe, and in the Orient.

Thus recent developments both in religion as well as in the area of legal definitions of religion make it almost impossible to distinguish not only between religious and ideological concerns but between matters of conscience, intellect, and spirit. Those dismayed by this turn of events should be aware that this same latitude is recognized by some fairly distinguished professional students of religion. For example, Dr. Frederick Ferré, in his text Basic Modern Philosophy of Religion, devotes an entire chapter to the definitional problem and produces criteria for defining religion that support the broad latitude now in vogue. This is due in part, as he points out, to the fact that "In setting up definitions every man is his own legislator." This presupposes, he points out, "that every definition is an artifact" and "that every definition is the product of decision."[16] In this area as in any other we have an obligation to be as responsible and judicious as we possibly can. This does not imply, however, that we will therefore of necessity be able to develop a precise set of criteria that will enable us to conclude, for example, that communism cannot, under certain circumstances, be defined as a religion or that one can dismiss or refute Alfred North Whitehead's definition of religion as "what the individual does with his solitariness." One critical starting point in this entire procedure is whether someone actually claims that his views are, from his standpoint, religious, or, as Justice Clark put it in the Seeger decision in 1965, "whether a given belief that is sincere and

meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption." He went on to add that:

> Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is 'in a relation to a Supreme Being' and the other is not. To hold otherwise would not only fly in the face of Congress' entire action in the past; it would ignore the historic position of our country on this issue since its founding. . . Moreover, we believe this contruction embraces the ever-broadening understanding (of God) of the modern religious community."[17]

Professor Ferré in establishing definitional criteria defines religion as "a way of valuing," as "valuation." He writes that "anything that you consciously want is a value for you. Valuing. . . is restricted not only to sentient beings, who alone are capable of taking an interest in anything, but more specifically to reflective or conscious beings capable of desires." Religion, so defined by Professor Ferré, must then meet or fulfill a number of requirements:

A. It must be something that involves the whole of a man's life.

B. It must be something open to all kinds of people.

C. It must be something that issues naturally in widely various activities or practices, practices often clung to with great fervor and attended with powerful emotions.

D. It must be something that issues naturally in widely varied ideas or beliefs, beliefs often held with great tenacity.

E. It must be something that may be found either privately or socially.

F. It must be something that may be open to different opinions concerning its truth or falsity or its capacity for either one.

G. It must be something that has consequences that may be considered either beneficial or harmful.

One of the merits of viewing religion as valuation is that for Professor Ferré". . . valuing is an action, not a thing,. . . our definition will reflect religion's essential status as a living process, not a material product."[18] This is at the crux of religious experience where we deal with feelings, attitudes, and relationships.

V

This review of the topic under consideration may or may not be useful to those engaged in developing curriculum in the public schools. One of my concerns in developing this paper was to suggest that if religion, religious, or quasi-religious matters are to be presented, attention be paid not only to the more traditional and conventional forms of religious expression, but also to those more recent statements and themes which are important to an ever-increasing student audience. Another concern was to suggest one possible set of criteria for viewing religious phenomena--namely, "as valuation." Such criteria might be useful, for example, in determining under what conditions and circumstances drug-induced hallucinogenic experiences might properly be considered "religious experiences." Similarly, they might also be useful in assaying the extent to which movements such as the Klu Klux Klan were or are befitting of being considered an integral part of a glorious, but often also inglorious, "American religious heritage."

I would like to quote a portion of a proposed public school curriculum which attempts to incorporate the kinds of religious phenomena that I have been discussing. My references are limited here to grades nine through twelve, and come from an article I wrote in 1966 under the title "Religion and Moral Values" in the Public Schools."[19]

The main focus in these grades would be upon the nature and character of the attitudes of the faithful with respect to God, World, and Man. It would treat their relationship to their deity or its equivalent; to both their own sacred cult, if they have one, and to society or the profane world; and, finally, to those ethical teachings which provide individual believers with a sense of right and wrong and determine personal religious and ethical goals and values. The eleventh grade would be devoted to the presentation of similar attitudes as they exist in those ideologies which either do not regard themselves as religious, like Communism and Fascism, or which prefer to be considered under some other heading. Included here might be Ethical Culture, religious and atheistic humanism, and philosophical materialism. This last half of the cycle seems quite important for a variety of reasons. First, from the standpoint of recent Supreme Court decisions, many of the tenets of these groups would qualify as "religious" under the "free exercise" clause of the First Amendment. Both Torcaso and Seeger are relevant here. Second, the positions represented in this group have tenets which are adhered to by their participants with the same tenacity as that which prevails, for example, among believing Jews and Christians. Last, a presentation of this kind would go far toward presenting religion as a vital force having definite social and political implications--functional as well as disfunctional. In such a series a variety of film presentations and/or texts could be made available so that

substitutions and additions could be made given the special situation in any particular community. Such practice is, incidentally normal in every discipline as evidenced by the variety of texts available to those planning curriculum study guides. Like the previous cycle, this series might well be incorporated within the social studies curriculum.

Grade twelve should deal with what I choose to call "implicit" rather than "explicit" religion. By "implicit religion," I refer to those religious, moral, and ethical themes which lie at the heart of classical drama, prose, and poetry. The authors of these works may or may not have been "religious" men by most definitions of the term during their lifetime. In effect, what is proposed is a humanities course similar to those already in use in countless high schools throughout the nation.

00047

[1]Davis v. Beason, 133 U.S. 333 (1890).

[2]Church of the Holy Trinity v. United States, 143 U.S. 226 (1892).

[3]Joseph Tussman, "Introduction," The Supreme Court on Church and State (New York: Oxford University Press, 1962), p. xiv.

[4]United States v. Macintosh, 283 U.S. 605 (1931); and Davis v. Beason, 133 U.S. 333 (1890).

[5]Torcaso v. Watkins, 367 U.S. 488 (1961).

[6]Ibid.

[7]Washington Ethical Society v. District of Columbia, 101 U.S. App. D.C. 371, 249 F. 2d 394 (1957).

[8]Reynolds v. United States, 98 U.S. 145 (1879).

[9]West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943).

[10]McGowan v. Maryland, 366 U.S. 420 (1961).

[11]Philip B. Kurland, Religion and the Law: Of Church and State and the Supreme Court (Chicago: Aldine Publishing Co., 1961), p. 16.

[12]John Courtney Murray, We Hold These Truths: Catholic Reflections on the American Proposition (New York: Sheed & Ward, 1960), p. 58.

[13]Paul Tillich, Theology of Culture, ed. Robert C. Kimball (New York: Oxford University Press, 1959), p. 42.

[14]Ibid., p. 41.

[15]John A. T. Robinson, Honest to God (Philadelphia: Westminster Press, 1963), p. 23.

[16]Frederick Ferré, Basic Modern Philosophy of Religion (New York: Scribner's, 1967), pp. 35-36.

[17]United States v. Seeger, 380 U.S. 163 (1965).

[18]Ferré, pp. 60-63.

[19]Harold M. Stahmer, "Religion and Moral Values," Religious Education, LXI (Jan.-Feb. 1966), 20-26.

Objectivity and Teaching the Bible

by

Samuel Sandmel

My assumption is that all of us here can easily define "objectivity" and, hence, that there is no reason at this point to define the term. Later, I shall have an indirect comment on it in relationship to teaching. Rather, I see my chore as a different one. It is not to define "objectivity" but to try to illuminate it and to do so by focusing on the Bible and on broadening some perspectives about the Bible. My impulse is to plunge right into a very sensitive area--teaching the Bible--and see the implications there for an understanding of objectivity.

I am going to assume that I am talking to a teacher. This teacher has, or has had, parents and was raised in a particular environment. For most of us, but not all of us, what we are reared with as children becomes normative for us. I recognize, of course, that there are situations in which what we are taught as children becomes exactly what, as adults, we reject. I want to make room for that--and for all other gradations--yet for our purposes I shall still assume that normally our perspectives are shaped by what we have been reared in. The Bible undoubtedly represents that area in which men have had the deepest kinds of loyalties or the reverse of loyalties. The dedication of men and women to it probably exceeds the dedication to any other literature ever composed.

For tolerable completeness, I need to review matters which I imagine are already known. I do so because it is the only way to make the issues crystal clear. Objectivity, as something intelligible, can emerge only if we make the issues sharp.

I

We can begin by noticing that Christians and Jews do not mean the same thing when they use the word "Bible." Jews mean the Old Testament and, more precisely, the Old Testament as preserved in the Hebrew language. Christians are not of a single mind about the word "Bible." Protestants, in general, mean by "Bible" both the Old and New Testaments. But, to complicate matters, while Roman Catholics also define "Bible" as the Old and New Testaments, there is this difference: that Protestants mean by "Old Testament" the list of books found in the Hebrew Bible, but that Catholics mean by it the list found in the Latin Bible of Jerome, which derives from the Jewish Greek Bible, the so-called Septuagint. The Jewish Greek Bible exceeded the Hebrew Bible by what is usually given as a count of fourteen or fifteen books--for example, First and Second Maccabees, the Wisdom of Solomon, Ecclesiasticus, and the story of Tobit. Some of this excess is not really separate writing but additions to Hebrew books. For example, the book of Esther in the Hebrew

00050

does not mention God; the Greek translation adds some prayers that were appropriate to Esther in the difficulties she was in. Daniel was a wise man; the Greek version of Daniel adds materials, not found in the Hebrew version, showing his wisdom.

To this excess of writing in the Greek Jewish Bible over the Hebrew, Protestants have given the name "Apocrypha." The word means "stored away," with the implication that these books were stored away from the accepted list of sacred books, that is, from the so-called canon. Hence, when Roman Catholics and Protestants speak of the Old Testament, they do not have in mind an exactly identical list. For a Catholic, the Wisdom of Solomon is in the Bible, for a Protestant it is not. And for the Church of England there is still a different term for this excess of writing: "Deutero-Canonical," which is meant to suggest that these writing have a sanctity more than ordinary but are not quite of the sanctity of other books in the Bible.

The Bible, then, is not the same book to all people. Hence, if a teacher happens to be a Protestant and says to the class, "Open your Bibles to the Gospel according to Matthew," a Jewish child in the class might respond, "But Matthew isn't in my Bible." If the teacher is an Episcopalian and says, "Let's look at the story of Susanna and the Elders; please open to it in your Bible," the Baptist child in the class ought to say, "The story of Susanna and the Elders is not in my Bible." I think it is reasonable for the teacher who wants to be conversant with all the students in a class to be aware of the differences that exist in their conceptions of what the Bible is.

II

But all of this is only the beginning. Our age inherits not only the Bible--whatever it may be--but also interpretations of it that began, in part, at least 2,000 years ago. This biblical interpretation has not been of one piece. The various traditions --Jewish, Christian, and, within the Christian, Catholic and Protestant--have bequeathed to our age varying modes of understanding Scripture. Even within one surviving communion, biblical interpretation has not been of one piece. Thus, Greek Jews and Palestinian Jews interpreted the Bible in quite different modes, resulting in meanings given to Scripture that, in effect, made it no less than two Scriptures. More precisely, Greek Jews interpreted Scripture in the light of Plato and the Stoics, as is discernible from the writings of Philo of Alexandria, but the interpretations known to us from the Greek Jews fail to be found in the legacy from Palestinian Jews and vice versa. What Jews today ordinarily mean by the phrase "the Jewish Bible" is the Hebrew text as it was read and interpreted by the unfolding rabbinic tradition beginning possibly about 200 B.C. Let me give a single example of this: the scriptural prohibition against

00051

seething a kid in its mother's milk (Exodus 23:19 and 34:26 and Deuteronomy 14:21). The ancient rabbis of 2,000 years ago did not know what the passage meant. But on the sound premise that it could not be meaningless, they proceeded to make the inference that the passage was a prohibition of eating meat and dairy dishes at the same meal. When, traditionally, Jews have read this verse, it has meant to them not the literal words of Scripture, but the inferred dietary prohibition. We have no evidence that this particular interpretation was ever reflected in either Greek Jewry or in Christianity.

Somewhat similarly, Isaiah 7:14 and Isaiah 53 were in very early Christian times regarded as relating to Jesus. (Here I am trying to use neutral terms rather than theologically acceptable terms; I think it would be more precise to say as "predictive" of Jesus. Isaiah 7:14 is quoted in the Gospel according to Matthew as part of the literary characterisitic of Matthew of using Old Testament passages as, shall we say, "proof texts.") Such interpretations are not to be found in any Jewish documents. But Isaiah 53 is found cited rather frequently in early Christian literature with the consequence that when a Christian reads either Isaiah 7:14 or Isaiah 53, immediately his range of associations put him in consonance with a traditional Christian interpretation of the passage. Just as Jews see in the passage about the seething of a kid in its mother's milk a distinction between meat and dairy dishes, so Christians have seen in Isaiah allusions to the career of Jesus.

That is to say, there is no such thing as a neutral Bible. There is a Jewish Bible, there is a Catholic Bible, there is a Protestant Bible, and as one begins to extrapolate to the various varieties of Protestanism, then the number becomes increased tremendously.

The consequence of such interpretive legacies is that the possession of the same biblical books as the common heritage of Jews and Christians--or of Catholics and Protestants--can in no way imply one single way of understanding the books. Indeed, the very concept "Scripture" has bequeathed to our age divergent Catholic and Protestant approaches. To Protestants Scripture alone has sufficed for salvation, while Catholics have believed that Scripture is comprised within the larger entity called the Church. Indeed, as far as Jews, Catholics, and Protestants are concerned, we can summarize a bit too simply but usefully by saying: Jews accept Scripture--the Old Testament in the Hebrew--but only as it is mediated by the rabbinic literature; Catholics accept Scripture--the Old Testament, the Apocrypha, and the New Testament--as mediated and intepreted by the Church; while Protestantism, to risk a single sentence for a complex tradition, regards Scripture--the Hebrew list and the New Testament--approached by the individual conscience, as the sole vehicle of salvation.

A teacher--who may be an Episcopalian, a Congregationalist, an observant Catholic, a lax Catholic, an orthodox Jew, or a secular Jew--has a body of material to convey either to a homogeneous student body--if any such are left--or to a heterogeneous student body (as I expect it would be in reality, considering the way in which the United States is becoming urbanized). Therefore, some intuitive perception of this deep diversity must, I believe, become part of what goes into objectivity.

Let us go a bit further by taking an acute problem for the teacher. First, let us make her Protestant and then let us make her Jewish. The Protestant teacher comes from a background which puts a special premium on the teachings of Paul. She believes that there is little insight anywhere as profound as that found in Romans 7, that Christ has come to supersede the law and that the law (here again I want to use neutral language) is nullified. Paul elsewhere uses two figures of speech: in one the law is the jailer, but the prisoner comes out of jail; in the other the law is a tutor but the child grows up and does not need a tutor. That is to say, there is the conclusion expressed that the laws of Moses are no longer operative. When one looks at Christianity today and discovers that Christians do not obseve the Sabbath on Saturday, do not abstain from eating pork, and do not practice religious circumcision, then one can see that in effect Christianity has gone along, to some extent if not totally, with the view that the laws of Moses have been annulled. However, for Jews, the laws of Moses have never been annulled. They are still operative, for they are eternal. Can our Protestant teacher so handle Leviticus as to abstain from offending her Jewish students? Or suppose that the teacher is Jewish; can she so handle Leviticus as to abstain from offending Protestant students? This example helps us recognize that legitimate views about Scripture can be no less than antithetical. And the problem is not simply one of differences between Jew and Christian. Similar problems arise within Judaism.

III

Further to complicate matters, there exists by our time a legacy of biblical scholarship ordinarily known as the Higher Criticism. In its usual form, the Higher Criticism was developed in Protestantism and found its greatest welcome there. It also found its greatest opposition there. Though the beginnings are earlier than the nineteenth century, it was in the nineteenth century that the Higher Criticism flowered. To distinguish between its content and its manner, the Higher Criticism asserted that it rested on free study untrammeled by synagogue or church traditions; in content, it challenged inherited, traditional views. Respecting the Pentateuch, the Higher Criticism denied that Moses was the author, but proposed instead that the Pentateuch grew out of four strata--J, E, D, and P--reaching its ultimate form about the time of Ezra, around 450 B.C., a good

00053

thousand years after Moses. Respecting the Gospels, the Higher Criticism reversed the traditional view that Mark was the youngest of the Gospels and asserted that it was the oldest. Mark came to be regarded as a literary source for both Matthew and Luke. Respecting that material in Matthew and Luke for which there was identity or even similarity, but no reflection in Mark, there arose the theory of a source "Q," which stands for the Greek word "quelle," meaning source, drawn on in separate ways by Luke and Matthew and adapted by each for his Gospel. Also traditional views that Matthew and John were written by eyewitnesses were abandoned. Distinctions were made between the authentic Epistles of Paul and those, such as the Pastorals and Hebrews, falsely attributed to him.

My choice of the word "manner" requires a bit more inquiry. Higher Criticism declared itself free of traditional answers and felt authorized to furnish answers consistent with freedom, learning, and--here comes the word--objectivity. Practitioners of the Higher Criticism claimed for themselves the meritorious term "objectivity." It needs to be stated on behalf of the Higher Criticism that it proceeded by exhibiting individual opinions in the arena of public notice, where peers and colleagues could question, contradict, and modify--always in terms of the freedom of the scholar. The result (in distinction to content and manner) has been that the Higher Criticism slowly made its way into the leading universities and seminaries of the Western world and by and large has come to dominate the understanding of the Bible in such places. Catholics hesitatingly began to embrace the Higher Criticism, openly or covertly, depending often on decisions made by biblical commissions in Rome. Liberal Jews also entered into the Higher Criticism.

In effect, our age inherits what we might call four Bibles: the Jewish, the Catholic, the Protestant, and the Higher Critics'. Since the last group is recruited from the preceding three, the ordinary teacher is not able to identify in advance whether a student embraces the Higher Criticism or not. Jewish, Catholic, and Protestant protests against the Higher Criticism have existed, and some Protestant communions were split apart over the Higher Criticism.

Now, let us imagine a classroom situation in which a teacher, speaking of the Exodus, chances to use the phrase "what Moses had in mind in writing this." These innocuous words could in some contexts spur an animated debate in which emotional involvement is deeply felt and expressed. What is a teacher to do?

I do not think a high school teacher needs to have a Ph.D. in Scripture. I suppose the first thing is for a teacher to recognize the possible divergency of presuppositions among students. He or she needs some sense of responsibility, some awareness of his own disposition, some awareness of the diversity

in class, and some sensitivity to the ways in which Scripture has been regarded. Not to recognize this can lead a teacher into what students can regard as dogmatism. Second, a teacher is not apt to have a full knowledge of all the Bible or all facets of biblical study, yet he or she can have at least an awareness that approaches different from his own may exist in a class. I believe it is true that in the last century and a half, a difference has arisen between those to whom the divine origin of Scripture is still precious and vivid and those who emphasize the human aspect in the production of Scripture. The teacher, it seems to me, must be aware of this. He ought to have some way of informing students or at least indicating to them that diversity exists. He ought to have enough detachment to abstain from presenting his own view, whether it is intuitive or traineed, as the only view. And if he undertakes to reflect views which he personally does not hold, then he should do so with fairness.

IV

The rest that I have to say may not be applicable because my experience in grammar and high schools is limited. Although I personally belong within the Higher Critics, I wish to offer a criticism of the way in which Bible is taught in American universities and Protestant seminaries: the courses in Bible are often distorted into courses in the Higher Criticism. Students can emerge from such courses knowing all about J, E, D, P, or that Mark plus "Q" equals Matthew, without having learned what the Pentateuch is about or what is actually found in the Gospels.

Since I represent the view known as the Higher Criticism, perhaps it is proper for me to say that the Higher Criticism is not as important as Scripture. Moreover, we have reached the curious situation in which nineteenth century views, set forth as hypothesis, have by now come to be regarded as axioms. No archeologist has yet found the J code, the D code, or the P code, and only in a rather dull murder mystery I once read has anyone supposed that he has found Q. It is wrong to present attractive hypotheses as if they were proven, established matters. The hypotheses of the Higher Criticism were products of the nineteenth-century mind, usually determined by the dominant German philosophy of the day, and they are not the objective scholarship that the practitioners have believed them to be. Were if not that too often in the United States, biblical study has come to be too quickly identified as an acceptance of these nineteenth-century theories, I would not have to speak these words. Now, to rephrase what I am saying, to teach the Higher Criticisms is not the same as teaching objectively. I am presuming to say that for some teachers a secure haven is to suppose that the Higher Criticism is pure objectivity. I am saying that it is not pure objectivity. It is a product of time and place and of fallible human beings.

I am at the moment the general editor of a project preparing a series of explanations to accompany the New English Bible. Certain decisions were mostly mine to make. Respecting the Pentateuch, I wrote to the contributors to this effect: "You are to explain the Bible, but you are not to use the explanations as a chance to argue for J, E, D, P. In your introduction to the Pentateuch, you are free to say that it is a matter of historical record that in the nineteenth century J, E, D, P were proposed, and you owe it to the historical record to mention that these things have been proposed. Thus, though you have every reason to mention it, you should get students to understand Scripture, not J, E, D, P."

This statement embodies my idea of an objective teacher: to know what one's own views are and to know what the principal divergent views are (but not necessarily always to recapitulate all the divergencies, because in a field as vast as Bible the teacher would never get into the Bible itself). I get students every now and then who are shocked by J, E, D, P. I say to them, "The requirement for you is not to accept or to demolish J, E, D, P, but to understand it. I will be pleased if some day you demolish J, E, D, P. But I will not be pleased if you demolish what this hypothesis is not. You have to be honest, straightforward, and responsible in setting forth J, E, D, P. You have to present it accuratly and then give your dissent."

I am not saying that there is time for an average public school teacher to do all this, but he should at least show some awareness of the Higher Criticism. What we ordinarily call the "Fundamentalist" view has as much right to be in the classroom as those liberal or radical views that I represent. If a teacher bends one way or the other, then the teacher in my judgment is ceasing to be objective.

Every teacher who is honest faces a dilemma for which no formula for solution is available. All of us have tastes and preferences, whether about the Bible or Shakespeare or Keats or even a television program. We are, I think, poor teachers, if in search of objectivity, we withhold our own emotions, our own enthusiasms for the material we are teaching. I hope that objectivity is not equated with being dry as dust. What we need to do, it seems to me, is to blend our own tastes and enthusiasms, with the awareness of the existence of tastes that are different and views that are different. Our chore, though, should be to lead a student into his appreciation of Shakespeare, not ours, his appreciation of Keats, not ours. Objectivity would mean that we put our hearts into what we do, but not into other bodies. I believe the teacher ought to be able to illuminate for the students what is in the teacher's heart, but to abstrain from a heart-transplant, from putting his heart into the student. To lead the student by example, by enthusiasm, by insight--yes. To force something on the student, whether it is Shakespeare or the Bible--no!

Imagining Criteria of Curriculum Design for Learning About Religion in Public Education

by
Robert A. Spivey

"There are many people who reach their conclusions about life like schoolboys; they cheat their master by copying the answer out of a book without having worked out the sum for themselves."
--Soren Kierkegaard

The way of curriculum for religion study in public education cannot be different from the goal of religion itself. Basically religion deals with the human. For that reason in study about religion who questions are paramount:

> Religious studies are directed toward understanding who we are, under these stars, and with the wind upon our faces. They are directed toward the many different kinds of actions around which humans build their lives. . . . [Moreover,] each person can become aware of the story each is telling with his or her own life. Without such self-awareness, religious studies are pointless: like persons deliberately starving themselves at a banquet table. To enter upon religious studies receptively is to make one's own story conscious to oneself.[1]

It is imperative, then, that criteria for a religion studies curriculum should reflect this personal and communal understanding of the nature of religion. The fundamental criteria I am proposing for curriculum design, therefore, are that materials should be both critical and creative. These two distinctively human qualities mean that curriculum materials should transcend in a critical (discerning) way the religious content under study and that they should embody in a creative (symbolizing) way the religious content being presented. Quite deliberately then I have sought, in the following "imagining" of four major criteria for curriculum design, to be both critical and creative so that my presentation itself might be an example of the way in which such evaluation can be undertaken. If, for some, linking analysis and images seems unnecessarily confusing, I offer two defenses: 1) we need to be confused before we can get clarity, and 2) we can applaud the effort if not the effect. Actually what I am suggesting is that the criteria for a religion curriculum can, like images, only be suggestive not prescriptive. They depend much upon the sensitivity of the developer or evaluator, who must be both critical and creative in designing and/or evaluating curriculum.

000570000

I

Faithfulness to Public Education -- the Context (Dog)

On a back garden gate in a village in Suffolk, England, there is a sign which reads, "Do not use this gate unless the dog knows you!" That is an appropriate warning to religion as it enters more fully into the public school curriculum. The justification and rationale for including study about religion in the public schools can only be an educational one. That is, it makes educational sense to include in public school programs study about our religious heritage and that of other peoples of the world.

One reason why such inclusion is particularly appropriate and relevant at present is suggested by the shifting emphases in public education during the last few decades. In the 1940's the public schools had as a primary task restoring normalcy after wartime crisis. In the 1950's the public schools concentrated on overcoming the gap between Soviet scientific achievement and that of American schoolboys. In the 1960's the public schools focused, like the rest of the nation, on civil rights and the need for justice. In the 1970's, exactly one decade after the Schempp decision, the public schools are recognizing a value crisis in our society. Our confidence in "America, the Beautiful" has been badly damaged if not destroyed by recent events--the black movement, Viet Nam, women's liberation, the exploitation of the American Indian, environmental pollution. The demise of Life magazine is symptomatic of this crisis because Life functioned in our living rooms as a kind of hymn to the American way of life. In such a crisis situation study about religion is one of the most natural and convenient ways of raising values questions, such as who we are, where we have come from, and why we are living on this earth. In a sense, when the Supreme Court's Schempp decision recognized that school-sponsored practice of religion was no longer appropriate, it was in effect saying that we as a nation no longer rely upon a common faith, a common set of values. In the turmoil of the 1970's, we have to inquire about the nature of, the grounding for, and the consequences of our values.

Basically my aim in this section is not to blame but to praise the public school. In every critical situation in our nation's history the public school has been there faithful, like a dog--always present, in spite of being underpaid and underfed, and ready to do what is necessary for our people.

It is now necessary for the public school to receive fully the difficult, delicate, and controversial area of religion and values into its curriculum. But if religion enters public education, it will have to recognize the public school's standards.

80058

For example, inquiry, not indoctrination, is the style of the public school. Moreover, religion study should be introduced and curriculum materials designed only on the basis of a clear rationale for its inclusion and with objectives consistent with the rationale. Means should be provided for evaluating the effectiveness with which materials realize the objectives and further the rationale. In public education, learning should be more than fact. Learning involves concepts, the affective domain, and the use of media. Any curriculum which ignores these will be found wanting. Sometimes religion scholars condescendingly view curriculum materials for public schools as inferior and relegated to communicating factual information. In the main, public schools recognize that students are bored to death with facts alone and that encyclopedia-like information is not real knowledge. Such intellectual memorization is far removed from personal knowledge, which is the goal of learning in the public school.

II

Faithfulness to Academic Religion -- the Discipline (Bread)

The second major criterion for curriculum design in the area of religion has to do with academic responsibility to the discipline. The overall aim of including religion in the curriculum is to answer three major questions: What is religion? What are the significant religions? What have been and are the relationships of religion and culture? The first question seeks to acquaint students with the nature of religion -- how it relates to world-views and life-styles, how it functions personally and culturally both formally and informally. The second question, dealing with the significant religions, recognizes that all religious phenomena cannot be included in religion study; hence, careful and appropriate decisions need to be made about what is significant. The third question explores the mutual interaction of religion and culture and the difficulty of separating one from the other -- indeed, the desirability, finally, of not separating them.

In The Fire Next Time, James Baldwin says that America will never really have soul until it stops eating the white paste it calls bread. Academic study of religion says that students should receive not white paste, not a stone, but bread. That is, the student should not be given a dead, lifeless, sterile phenomenon but should learn about religion that is alive and well. At the same time academic study of religion also says that the student should be given not sacred bread but bread. Academic study is a way of looking at the religious phenomenon both from the outside and from the inside, both critically and appreciatively. The discipline of religion does not seek to offer a white paste, for it wants to present full-bodied bread. Yet academic study keeps in mind that the community of learning is not the community of faith.

Many students today want to learn by shortcut methods. They want gurus, not teachers, who will give them the keys to religious experience. However, this desire can be fulfilled only, if at all, by churches and religious communities, not by public schools. Academic study of religion insists that religion curriculum materials be objective--factually accurate and academically responsible. In terms of content, such materials should be non-confessional, pluralistic, balanced, and comprehensive. In terms of approach, the materials should be both discerning and empathetic toward the religious phenomena under study. They should reflect the scholar's critical stance and the adherent's believing posture. The purpose of such curriculum materials is to establish literacy in religion in its broader sense and also awareness of diverse religious phenomena.

One crucial hallmark of academic responsibility in such materials in the basic importance of primary materials. At a minimum, criteria for evaluation should focus on whether the materials are faithful to primary sources of the religious tradition under examination. When secondary sources are used, the materials should be consistent with acknowledged, widely-recognized scholarship. Moreover, when secondary sources are used, opposing viewpoints should be represented in order to achieve balance and avoid bias. One distinct advantage of using primary materials is that thereby students and teachers focus upon religious materials that are alive--which people get excited about and angry with, thus showing the passion of their religious commitments.

One phenomenon that should not be neglected in the American context is that the dominant religious traditions of our country--Judaism, Catholicism and Protestantism--are usually studied with a critical eye toward maintaining objectivity. The same care is not always exercised in studying other traditions, such as the religions of India, Africa, and the Far East and the religion of the American Indian. Because adherents of these religions are seldom found in the public schools, there may be a tendency to romanticize these traditions.[2] Perhaps in some instances both students and teachers seek to compensate for past injustices and to overcome guilt feelings for having omitted or slighted these traditions in the curriculum.

Enthusiasm for religion-study in the curriculum cannot be an excuse for oversimplification in design. The academic discipline itself is a safeguard against simplistic treatment. For example, it was formerly held in the public school ethos that all technology was good. In the new ethos, the opposite sentiment is inculcated, for technology is bad in that it destroys the environment. Both views are dangerous pieces of learning because they fail to account for the complexity of the situation. In relation to religion, the overly simple thesis has been propagated that the Judaeo-Christian tradition has created a Western culture that seeks to master nature which in turn has created environmental

00060

pollution of enormous proportions. At the same time, it is proclaimed that non-Western religion has fostered a respect for and love of nature that is the answer or is at least more enlightened. Both bits of learning are dangerous oversimplifications. In a complex, pluralistic society only the academic discipline of religion can prevent such misleading partial truths. The possibility for simple-mindedness becomes even greater when one finds people in education with little academic background in religion designing materials for religion study. My first two major points, faithfulness to public education and faithfulness to academic religion, are interrelated. What is needed for curriculum development is both competent educators and competent scholars in religion in order to design effective, responsible materials.

The way in which education and religion can be combined most productively is by emphasizing the already existing curriculum in which religion takes an appropriate place as part of interdisciplinary study. I am not saying that curriculum materials cannot be designed and recommended for elective courses in the public school curriculum, but I am saying that such an approach is more difficult and in the long run less useful. The fragmentation of the public school curriculum is already one of its principal weaknesses; interdisciplinary study seeks to overcome that problem. An interdisciplinary approach is often seen as a less disciplined, easy way out. The specialization made possible by the separation of disciplines in higher education has led to significant achievements, but this separation has also exacted a terrible price, especially at the lower level of education. If the purpose of public education is to get at significant problems and possibilities, then the curriculum needs to examine and explore significant human questions in a holistic manner. The breakdown of the crucial human questions into manageable, specialized segments neglects the whole truth. What is needed in religion curriculum, and in related humanistic disciplines, is interdisciplinary study that calls for more, not less, discipline. Only thereby can the pluralism and the complexity of the problems of religion be more adequately studied.

III

Faithfulness to Religion -- the Content (Family)

The third basic criterion for curriculum design, faithfulness to religion, needs careful elaboration. To be faithful to religion itself, the curriculum must guard against the subtle, but nevertheless pervasive, temptation to denigrate popular religion. In the new religion curriculum there is a trend at work which is inimical to popular, traditional religion. The religion which seemingly gets "pushed" by the study of religion has many forms. One is a kind of academic, elitist religion. The cultured adherents of religion leave out those less sophisticated, less

00061

mature, less intellectual, normal adherents of religion. Another, more radical criticism of the role of religion attacks its preservation of the status quo; ironically this criticism arises from those who feel themselves either above or below this status quo -- in particular, the have-nots, the disenfranchised, the poor. A third source is the phenomenal interest of the young in religion--the occult, the Jesus movement, non-Western religions. This thirst for and parading of religious experience is partially, at least, a reflection of the widespread denigration of traditional, institutional, popular religion.

All three attacks on popular religion are part of the quest for relevance, experience, and meaning. But what is missing on the educational scene is a positive appreciation for and understanding of the role of popular religion, especially as it relates to the family. What is needed in curriculum materials is the putting of religious questions and problems in middle-America, family-centered terms as well as in elitist, culturally disadvantaged, or counter-culture terms. Archie Bunker, "All in the Family," ethnic America, blue-collar workers--these are the forgotten entities in educational circles. One way of seeing our roots in our ethnicity, our families, and our religions is to see them as ruts, but another way is to recognize that a major purpose of the study of religion is to nurture and affirm the self-concept of every American, including the silent majority. In the process, there will be criticism of each of our pasts, but we will not be hell bent on making each student into an autonomous moral man without any roots other than reason and/or the abstract concept of justice. The problem with much curriculum material, not only or especially in the field of religion, is that the objectives are not truly wise. They do not see that none of us can afford to ignore or to hate our past and still nurture ourselves, our parents, our homes, and our religions.

What I am trying to say is that there is both a realism and a mythic strength in middle-class culture which is not recognized by the elite, either above, below, or beyond. One visible sign of the backlash against the established, liberal elite was the overwhelming election victory of President Nixon. Whereas the elite looks down upon beer, bowling, and baseball--the delights of middle Americans--they in turn look with horror at pot, sex, and education--the delights of the elite. In the 1960's elite ideas were huckstered, especially under Kennedy. In the 1970's Nixon's forces are huckstering conventional ideas. Both sides are creating stereotypes, and the gap between the conventional and the sophisticated is growing greater, with each pushing its own politics.

The study of religion and its curriculum design should not further this division. Possibly the greatest evils were done by the liberals who sought to wipe out cultural diversity in the interests of the New Frontier and the Great Society. Only in so far as

00062

The text for this page is not omitted.
An error in pagination went undetected
until the first side of each page was
printed.

00063

education helps preserve our pluralism and gives the wisdom to escape from being huckstered either by the conventional or by the liberal can it be approved. Materials for religion-study should recognize the wide diversity of religious phenomena and the wide resources of the community. Moving students out of the hot-house atmosphere of the schools into the community is one effective way of fairly and honestly presenting religion and of furthering education. An educational corrolary is that a wide variety of choice should be given students in curriculum materials so that each can pursue his own interest whether it be Seventh Day Adventist, Christian Scientist, Mormon, Methodist, or cult of Satan. Each student needs the possibility of learning more about his own tradition and of enhancing his own self-concept so that he therefore can be empathetic and understanding of other religious traditions.

IV

Faithfulness to Students -- the Method (Brothers)

This final criterion for curriculum design presents a new image for learning which differs from the extreme authoritarianism that has dominated both older traditional styles and the recent liberal mode of education. Part of the problem with our educational system and its lack of meaning derives from its hierarchial, upward orientation. That is, the pupil is working for the teacher and the student is writing for the professor until the final height is reached--the Ph.D. candidate writing a dissertation for his doctoral <u>father</u>. Communication in education is excessively filial.[3] Students package their study to impress their teachers. Instead, students should be working with the motive of teaching and nourishing one another in and through their viewing, reading, speaking, and writing. We need in curriculum materials and in the educational process at all levels speaking and writing that is neither up nor down but <u>over</u> to a wider audience of fellow inquirers. This kind of communication is a natural corrolary of inquiry, rather than indoctrination, and of learning, rather than teaching. Student resistance to having something shoved at them is expressed in a letter to the editor of the St. Peterburg <u>Times</u>:

> If I encounter (so help me)
> So much as (so help me)
> One more item in the media
> Flogging once again the dead horse:
> "Bibles and prayers in public schools"
> I shall go forth,
> Froth-mouthed
> And frenzied,
> To rampage in my local community.

00064

I mean, really, if thou wished thy kid to read the Bible, give thy kid a Bible.

If I wish to not have my kid religiously programmed, the Constitution allows me that freedom.

The readers of the Times are on notice; they are hereby responsible for the sanity of an impressionable young adult. Unfortunately, if I do find myself berserk at your hands, trussed up in white and tossed into a penal colony, waiting comfortably on the bunk will be another you-know-what.

Bruce Heinly
Gainesville

Students have become fragmented not only in academic disciplines, but also in their personal lives. They cannot search out meaning because they have been fed, drilled, and programmed. They haven't learned. The appropriate analogy for the relation of teacher and student is not that of father, but that of elder brother or elder sister, who works with the younger brothers and sisters in order to learn. Curriculum design should be oriented toward the student, not in the sense of less discipline or of catering to student needs, but in the sense of proceeding from that which will really make learning come alive. The real violence of public education lies not in riots but in the boredom both of the student and the teacher. Teachers seek to overcome that boredom in one of two ways--either by changing to a new, more relevant, and more interesting subject matter, such as religion, or by employing some technique for interesting students, such as simulation. But the manifest content of education cannot overcome the latent content, which consists of a process of communication in which both teacher and student are basically passive. What the curriculum and the learners need to foster, particularly in the area of religion, is a spirit of inquiry and learning. To such questions as Who am I? Why are we here? Where are we going? there are no answers. There is only a search, and in that search both students and teachers are brothers and sisters together.

Another problem with education is that we have been too dominated by a scientific model of knowing. Whether it is actually "scientific" is not crucial to my thesis, but that it is a model characteristic of much education can hardly be denied. In this kind of thinking we come to know in the following way. At the outer circle there is objectivity. At the middle circle there is prediction. At the inner circle there is control. Running throughout these three circles is the concept of number where quantity and right answers are emphasized. Opposed to that scientism is a humanistic model of knowing in which the personal and communal dimensions of knowledge are emphasized as over against objectivity; in which surprise is emphasized over against prediction; and in which mystery, rather than control, lies at the heart of things. In this way of knowing one utilizes, somewhat imprecisely, some-

thing of real human value--words, symbols, images, sounds, and gestures. Materials in religion should seek to help students and teachers know how to look, think, and speak in this way.

At present many students and adults do not think that they have a world to communicate, a world to say. We are alienated; we do not know. As Paul Goodman observed:

> A poignant corollary of the assertiveness of speech is the speech-embarrassment of alienated young people who feel that they have no world to assert, and therefore they pepper every sentence with "like" or "you know?" meaning that, though they are speaking, they do not mean to be saying precisely what they are saying and that the world is not theirs to say.[4]

Our inability to know and to understand, partly because we are not brothers and sisters together, is reflected in the popular television program "Mission Impossible." What is not seen is that this weekly travesty is an attack upon due process--a justification of Watergate and an assertion that the end does justify the means.

A curriculum that is faithful to students would begin at the very early ages when students can learn about self-concept and empathy for others so that they will then feel confident and nurtured in their own religious, economic, political, and social positions so that they can in turn be critical about them. We need to begin young so that each child can develop sensitivity to the self and a sensibility about others. Unless the learning process is begun at the earlier stages, always recognizing the need for a careful developmental sequence, then the attempt to introduce criticism fails, because at a later stage people are too frightened, too cut off to move beyond simple facts and to engage in debate about controversial issues.

What I am advocating is an approach for students that is neither too hot nor too cold, neither indoctrination nor cold, sterile analysis. It is an approach which is both historical, critical, and consciousness raising. Only as the consciousness is raised and one is nurtured in one's own position does one then possess the stability and the confidence to move to historical and critical analysis.

Two examples may illustrate this criterion for evaluation of curriculum design in regard to its usefulness to students. In the study of religion, competent curriculum materials will not avoid the subject matter of worship. Those who advocate a prayer amendment to the Constitution are in one sense right. They recognize that traditionally in America worship has always had a high value. Of course, they are wrong in trying to make

the schools sponsor worship, for schools are communities of learning, not communities of faith. But in academic study, worship should be emphasized and its importance in religion should be communicated as the teacher and student together explore a religious tradition or a religious phenomenon.[5]

The second example has to do with the renewal of warfare between science and theology in the battle over evolution and the story of creation in Genesis. This phenomenon, which has recently resurfaced in the California public schools, is something we need to pay attention to in order to recognize that evolution is not necessarily the facts. In fact, evolution may be an enormous over-generalization on very fragmentary data; truth may be somewhere between the Bible and Darwin. At least we know why evolution was a particularly attractive theory in the middle of the nineteenth century, for it declared that an economic system in which laissez-faire and survival of the fittest were practiced was a part of nature's way.[6]

What we must recognize, especially in educating students in middle America, is that intellectual capacity is not the key. Many do not learn to think abstractly because it is too great a threat. People do not want to feel insecure, and we will not get them to think better by making them feel more insecure. There is a sense in which the study of religion may be an opening wedge for better thinking, but it will not come quickly. We need to comfort students in their positions, to nurture them, to give them a sophisticated, in-depth treatment of what <u>is</u> rather than simply telling them what ought to be. I am not convinced that our educational system has to keep exploding people. The rapid rate of change in our society alone does enough of that. Yet in the final analysis, I am saying that materials should be historical and critical; moreover, I am saying that they should also be consciousness raising.

We have to beware of materials that are written by people who think that they are not brothers and sisters of those for whom they are writing; of materials that are written without respect for the past; of materials written in an attempt to give a cold, analytical treatment or for religious conversion; and of materials that do not pay proper attention to the educational wisdom that has kept our public schools going without the fourth "R" for such a long time.

My final word is one of caution. Materials that expect to bring the kingdom of God or to carry students over into the Promised Land are both misleading and dangerous. From a theoretical and practical perspective we need to keep the goals and objectives of curriculum materials modest and realistic. The aim should be to establish literacy and awareness about religion. When the larger goals of changing people, of transforming society, of producing the democratic man or the moral person become paramount, then

education and curriculum materials are likely to become manipulative and ultimately self-defeating. The very act of learning must in some sense be self-initiated and change must in some sense be self-measured. To project a vision of some ultimate answer would confuse the role of the school with that of the church and it would defeat the human kind of learning which religion study seeks.

[1]Michael Novak, Ascent of the Mountain, Flight of the Dove: An Invitation to Religious Studies (New York: Harper & Row, 1972), pp. 208, 47.

[2]See the editorial by Gerard S. Sloyan in the Newsletter of the Department of Religion of Temple University, May 1973, p. 2.

[3]See the article by William May in Plenary Addresses of the International Congress of Learned Societies in Religion (Waterloo, Ontario: Council of Study of Religion, 1972).

[4]Paul Goodman, Speaking and Language: Defense of Poetry (New York: Random House, 1971), p. 10.

[5]See Philip H. Phenix, "Religion in Public Education: Principles and Issues," Journal of Church and State, XIV (Autumn 1972), p. 420 ff.

[6]See William Irwin Thompson, At the Edge of History (New York: Harper & Row, 1971), p. 133.

Religious Education versus Academic Religion Studies

by

Carl F. H. Henry

I

Religion in Church-Related Institutions

My purpose is to differentiate between how public schools may ideally teach religion and how church-related institutions are teaching religion.

In respect to church-related education, I shall state what church institutions are free to do; I shall not attempt to assess how many religious endeavors actually follow this course. Some church-related schools differ little from public schools; they become subject to certain restrictions through reliance on federal funds, and some seem to be church-related only when they mount denominational appeals for support. Customarily, however, a church-related institution has the freedom to make mandatory whatever it approves, including chapel attendance and worship exercises. It is free, moreover, to press students for personal faith in a specific religious option on administratively sponsored occasions--at routine assemblies, at special gatherings, or even in the classroom. And the church-related school is at liberty to use the classroom in other distinctive ways: it may espouse one specific religion as supreme and final over others; it may expound the whole of liberal learning in the context of such a religious ultimate; and it may foster a particular life-and-world view geared to this preferred religious perspective.

Amid the secular climate of the contemporary campus these academic prerogatives may seem strange. Some of America's most pretigious colleges, however, in their beginnings embraced precisely such features as these--that is, an emphasis on the reality and revelation of the living God, the integration of all study in the context of the will and purpose of God, the necessity for personal discipleship, and regular participation both in worship services and in classroom studies. Where church-related institutions still maintain such emphasis, they do so on the premise that every educational institution requires whatever it considers indispensably important.

Until the twentieth century, most American education presupposed a supernatural God as its ultimate explanatory principle and as the cohesive and integrating factor in learning. Gradually, however, while the church-related institutions emphasized the God of the Bible--that is, biblical or revelational theism--the public campuses influenced by European learning, increasingly championed philosophical or speculative theism. In the forepart of the twentieth century, philosophers were still largely oriented toward idealism as against materialism; speculative theism or idealism provided the unifying frame for liberal learning. All the while, however, secular philosophy was spawning an increasing variety of God-concepts, each of which in some respects supplied an alterna-

00070

tive to the God of Judeo-Christian faith. God remained widely espoused as the unifying premise of academic studies, and his reality was considered sure; the nature of this God, however, became less and less recognizable and assured.

The emphasis on scientific empiricism soon crested into John Dewey's instrumentalism. While this view canceled out the supernatural and disowned all final truth and fixed values, it nonetheless retained a role for God by attaching to the term an alien meaning consistent with naturalism. Soon not only the self-revealing God of the Bible but all speculative divinities as well were labeled dispensable to academic integration and earmarked for excommunication.

Instead, it was thought (at least for a season), that an agreed system of values could and should unify campus learning. The futility of this hope--in a generation that had exchanged the authority of divine revelation for the fluid observations of human experience--soon became evident amid the loss of fixed ethical norms. Within a generation, instead of agreeing on the meaning and worth of life, education found itself coping with the insistent questions posed by radical secularity: Has human life any meaning and distinctive worth at all? What, in fact, is the meaning of meaning and the value of values? Replacing the God of the Bible had been the gods of philosophical theism; replacing the modern gods had been a unifying value-system; and now replacing values, there yawned an abysmal vacuum.

Church-related institutions were not wholly unscathed by these influences and trends. But in principle they had authority and liberty to promote whatever specific religious concerns they chose or to modify them with no answerability to anyone beyond their private constituencies, except to the general public as distinguished from the state, and to accrediting agencies that were the delineators of quality education and were often critically disposed toward any promotion of specific religious concerns.

II
The Role of Religion in Public Education

The Schempp decision altered, at the federal level, the conception of how the public school should handle religious concerns.[1] Now what is the proper role of religion in public education? The university milieu that issues most teaching credentials today is either variantly pluralistic or stonily secular. Atheists aggressively seek to eliminate religious traditions and to reconstruct society on naturalistic premises. Death-of-God theologians have emerged even in Christian institutions. The counter-culture is probing Oriental religions. Many ecumenical theologians promote values supposedly common to all world religions and modern rescensions of biblical religion. At the same time fewer than three per cent of the American people espouse no religion, while

60071

more than sixty-two percent are members of churches. The largest segment of the religious community remains committed to a biblical faith. Amid this conglomerate diversity, what is the role of religion in the public schools?

The Supreme Court considers it a violation of the First Amendment--that is, of the "establishment" clause--for a state to require religious exercises involving either sectarian or non-sectarian prayer and/or officially supervised, required reading from a religious sourcebook, even if absence from or non-participation in these exercises is approved. Public schools are not free to hold religious or chapel services with officially approved readings or prayers even if attendance is wholly voluntary. It follows, moreover, that public schools may not sponsor any program of an evangelistic nature, whether obligatory or elective, no matter what provision is made for non-participation; nor may school administrators or teachers include evangelistic activities in the instructional or related programs. It makes little difference that a public school happens to be located in an area that is predominantly Southern Baptist or Roman Catholic or Jewish. In the opinion of the Court, the majority's right to free exercise of religion is not jeopardized by the prohibiting of required religious exercises even if these exercises are favored by a majority of those affected.

Traditional baccalaureate services seem to fall into somewhat of a gray area. They do involve the practice of religion with administrative initiative and sponsorship. Justice Black has commented, however, that the decision against the New York Regent's prayer is not inconsistent with official encouragement to school children "to express love for country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being. . . . Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercises that the State of New York has sponsored. . . ."[2] School authorities doubtless may rent facilities or make them available without charge to community groups for religious services of various kinds, presumably including baccalaureate services.

The underlying principle here, as expressed by Justice Clark, who wrote the Schempp decision, is that the machinery of the state is not to be used for the practice of religious beliefs. He commented: "The breach of neutrality that today is a trickling stream may all too soon become a raging torrent. . . ."[3]

Some saw in the Schempp decision a carte blanche for teachers to evangelize for atheism in the classroom, and they looked to a constitutional prayer amendment as the best corrective recourse. Such persons, in my opinion, were wrong on both counts. Some

people consider religious exercises such as devotions and prayer as the only important thing about religion, and even view the study of religion as inimical to the practice of religion. To identify religious concerns exclusively with religious exercises--whether prayer or Bible reading or both--seems to me a serious abridgment of the religious agenda.

I do not intend to minimize the importance of group affirmation of the reality of God, nor even of symbolic recognition of God simply as the Almighty upon whose blessing the felicity of men and nations depends, and I would insist that the practice of religion is not less important than its study. A long, hard look at Supreme Court decisions in the light of the Constitution may yet indicate that religious exercises on an unofficial, voluntary basis are not inappropriate to the public schools. The question of sponsorship is the central issue, not necessarily use of the premises. Paul G. Kauper of the University of Michigan Law School has noted that the decisions do not outlaw classroom prayer as such, that a school board may prescribe a period of meditation in which a child may pray or hear devotional literature, and that opportunity may be given for voluntary student participation in religious exercises congenial to his or her faith.[4] The use of school properties for voluntary religious exercises not involving the influence of teachers but initiated and arranged by students with the permission of school authorities is not excluded. Religious practices including prayer and devotions may be arranged in a public school in whatever spontaneous expressions students wish providing the rights of fellow students are preserved and the functioning of the school is unimpeded. Robert Maynard Hutchins has called attention to the fact that all Supreme Court decisions involving religion have thus far been based on the "establishment" clause and not on the "free exercise" clause, which would bear on the right of students to express themselves religiously at their own initiative.

But if the public schools were to suppress classroom study and discussion of God and religion and the Bible, not even an expansion of religious exercises from ten to a hundred Bible verses and not even the supplementation of a non-sectarian prayer by the Lord's Prayer would compensate for the inexcusable forfeiture of the classroom to anti-religious and anti-theistic prejudices. No informed person could welcome the segregation of religious concerns from the arena of rational persuasion and truth. Atheists and theists alike might for sound reason legally oppose mandated religious exercises in the public schools, but only an atheist should be gratified that the friends of religion concentrate their concern at the edge of the instructional program, on the matter of opening exercises reserved for internal experience, rather than in the realm of public truth and learning.

SS000
00073

III
The Schempp Decision and Teaching Religion in the Public Schools

Despite its prohibition of authorized religious exercises, the Schempp decision did not foreclose all educational interest in God and the Bible. While the decision firmly closed the door on required religious practices, it also opened a window that many persons have ignored and that all must contemplate with great care.

The Schempp decision explicitly makes four points about classroom engagement with religion and the Bible; it holds out the clear possibility, moreover, of their entry into a secular program of education in a way compatible with the First Amendment. It affirms:

1. "One's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization."[5] This premise offers full opportunity for presenting the rise and growth of Judeo-Christian religion and for comparing and contrasting its special tenets and influence with those of other world religions.

2. "The Bible is worthy of study for its literary and historic qualities."[6] The Court, therefore, did not rule against all reading of the Bible in the public schools; it ruled against Bible readings as part of a school-sponsored religious exercise. Studying the Bible is justified not simply because of its merits as literature but also for its historic qualities.

3. "Such study of the Bible or of religion, when presented objectively as part of a secular program of education, may . . . be effected consistent with the First Amendment"[7]. The qualifications here stipulated are that study of the Bible or of religion must be (a) presented as part of a secular program of education and (b) presented objectively.

Before we go on to the fourth point in the Schempp decision bearing on religious concerns, it may be well to review the three points already mentioned and to ask what requirements they imply or impose for public in contrast to church-related education.

IV
Study about Religion

Public and private schools alike need to reassess their course offerings in view of the first point, which says that a complete education must include study of comparative religion or the history of religion in relation to the development of civilization. Both private and public education are free to study any

and all religions, and to investigate a vast variety of religious phenomena world-wide, both past and present. There is, moreover, no reason why church-related institutions and state institutions cannot teach such courses with equal academic respectability. It is true, of course, that church institutions are free to seek a faculty with a common religious identity and even to require their subscription to a doctrinal statement; church schools can also openly declare a posture of advocacy. It should be noted that some institutions that are only nominally religious do none of these things. The reference to advocacy, however, requires further comment. Many evangelical schools reject the implication that they are "special pleading" institutions that present alternatives only in "straw man" caricature, and that they do not examine and criticize their own positions. Althrough espousing a particular view, these schools see themselves, rather, as "faith-affirming" institutions. Academic sensitivity requires such institutions no less than the secular schools to protect the student's right to hold another point of view without penalty.

Public schools readily proclaim their differences from church schools on the matter of advocacy. But any institution--and particularly a liberal-arts college--is a value-structured institution. Even if it does not openly declare its beliefs, it nonetheless has specific attitudes and practices, states of mind and mores that can be identified even where educators hesitate to formulate them explicitly. In recent years, to be sure, diversities of background and conflicts of community values have made it increasingly difficult to formulate any statement of common beliefs and ideals; differences over values now deprive many institutions of a consensus on academic aims and of a covering philosophy of education. As campuses resign themselves to this plight, the notion gains currency that values are subjective options only, and that human autonomy and personal creativity are to be the basic determinants of social participation. Let us not deceive ourselves into thinking that this state of affairs involves no advocacy posture.

The distinctive attitude of public education toward religion must not be that public education is concerned more with other world religions than with the Judeo-Christian heritage. After all, the Judeo-Christian tradition is still the most significant religious option for most American citizens. Furthermore, only in this Judeo-Christian context can our national heritage and cultural background be intelligibly understood. The American classroom cannot do its best to serve the people unless it illumines the religious and cultural background of the nation's heritage and life, unless it deals with the realigious options actually represented in the local community and classroom, and unless it assesses contemporary trends according to the ongoing sweep of history.

It is assuredly not the task of public education to engender personal religious decision. The role of the public institution

should be to teach about religion, not to instill or to dislodge a particular religion. Yet it is noteworthy that in a day when the younger generation in America was widely thought to be lost to religious interests, the Jesus movement has enlisted hundreds of thousands of high school and college students. What does it say about public education that many of these students sat through high school courses in Western history without hearing the name of Jesus of Nazareth (and is that any less objectionable than sitting through a course in American history and hearing no reference to the black man)? Some high school, college, and university students now question the relevance of much of their classroom study to the spiritual and moral crisis of our times; large numbers of them attend non-credit Bible-study classes, determined to hear what the biblical writers say rather than what the twentieth-century critics say.

There is no need whatever to apologize that a Buddhist may chair a university religion department or teach in an elementary or secondary public school; public education can accomodate even proponents of the death of God or other momentarily fashionable views. Something else is at stake, however, when public education reflects the religious heritage of the West and the basic commitment of the citizenry mainly through the perspective of those who disown it, or profess to be neutral while denying adequate representation to traditional religion. Such a posture is akin to religious propaganda and not to academic objectivity. The Supreme Court makes it clear that the teacher of the history of religion, comparative religions, and sacred texts must not endorse one religion over competing faiths in the classroom, nor give systematic indoctrination in any creed. The fact is that many religious colleges and day schools thrive in the United States mainly because American public education is thought not to deal adequately or fairly with the religious heritage and commitment of the masses. Some persons no doubt busily blast public schools as such in justification of private schools. But private schools do not depend upon inept public schools for their existence; they have a legitimacy of their own, whether public schools fulfill their proper role or not. The private school need not be in competition with the public school in the area of religious teaching and religious adequacy.

To be sure, the public campuses are not evangelical colleges or Christian elementary and secondary schools and are not expected to be so. But a school jeopardizes rather than protects its public character if it virtually excludes competent scholars who reflect the religious heritage of the West on its own presuppositions. Apart from a few noteworthy exceptions, the representation on secular campuses of evangelical scholars in religion and philosophy departments is proportionately very small; it might well be asked whether an anti-supernaturalistic and anti-evangelical bias has gained religious academic tenure. Not only historic Protestant Christianity but the Catholic faith and traditional

Judaism suffer maltreatment from such prejudices.[8] Fair treatment must be accorded all religious perspectives, whether minority or majority faiths. We are now seeing on public campuses the rise of divisions of Jewish studies in affiliation with religion departments; divisions not only of Christian studies but of Catholic, Orthodox, Protestant and/or evangelical studies and of other alternatives as well may emerge unless a truly representative overall balance of scholarship is maintained, providing a comprehensive overview of the past religious heritage and of the present religious scene. Unfortunately, modern academic tolerance often is reduced simply to indifference over questions of religion and ultimate values, and even to polite disdain for the Judeo-Christian heritage; current resignation to value-free education nurtures the peculiar suspicion that attention to religious traditions will somehow prejudicially taint education. The Schempp decision declares that a complete education requires "a study of comparative religion or the history of religion and its relationship to the advancement of civilization." If this is so, what can we say about a generation that has had virtually no academic exposure to Old Testament and New Testament religion, or whose impressions are often limited to the prejudices of those contemporary thinkers who dismiss the supernatural as mere myth or linguistic bewitchment?

Study about religion in the public arena calls, assuredly, for both academic competence and an academic spirit. It is remarkable that across the years few states have included religion as a required subject for teaching certification at the elementary level. Recently Michigan and California approved religion as a teaching minor; Wisconsin also has an approved program at Marquette. But religion has traditionally been taught simply in an introductory crash course. The question now arises whether only prescribed institutions are to hold a monopoly of religious training that counts toward state teaching credentials, or whether all accredited institutions preparing elementary and secondary school teachers will be free to declare religion studies a part of their teacher program. And are faculty recruits for religion offerings to be drawn from public institutions whose religion departments are prone to exclude candidates who do not bend easily to the prevailing religious orientation?

The Schempp decision applies in principle to public education at all levels. It is now often emphasized, however, that elementary and secondary education differ significantly from higher education. At elementary and most secondary levels, students stand in a compulsory educational relationship to educators; at higher levels this relationship is voluntary. Some observers would also add that elementary and secondary students are more prone to indoctrination by their teachers. This may be true, but in this mass-media age even elementary school children are not exempt from skepticism over television commercials; college and university students, on the other hand, frequently parrot or mirror the views of their professors even in areas like philosophy

that presumably demand critical reflection.

V
Study of the Bible

The second point in the Schempp decision refers specifically to the Bible. Public schools obviously cannot be expected to teach the Bible in the same way as do church institutions. Many church-related schools, for example, insist that the Scriptures be taught by believers only, and that Scripture be presented as the Word of God or as qualitatively unique. The Bible, according to the Supreme Court decision, merits study "for its literary and historic qualities." For an evangelical Christian to insist that the Bible cannot be studied as literature or history unless one is a believer, and unless the Bible is accepted in advance as the Word of God, is inexcusable. The believing instructor ought not to forget that faith is a divinely engendered response that not he but God presses upon man. It is equally inexcusable for a nonevangelical to insist that one must be a modernist or a disbeliever to appreciate the literary and historical facets of the Bible.

To teach about the Bible even as literature includes its comprehensive vision of the supernatural, of an eternal moral order, of a self-revealing God, and of the whole drama of redemption. Even the Bible's claim to divine authority can be set forth as a claim that many people have accepted and still consider to be valid. Indeed, it may be properly noted that while people do not ordinarily preface their remarks with "Thus saith the Lord!," certain literary aspects of the Bible make sense only in that context. Public-school instructors are not, however, to plead the special authority of the Bible. And while the public school may adduce the Ten Commandments and the biblical sanction for morality, it must also indicate the various other sanctions adduced for moral behavior; to insist on subscription to any one sanction is definitely precluded. Christians should be content to allow the Bible to be self-authenticating.

The Supreme Court opinion refers not merely to the literary and historic influence of the Bible but to its "literary and historic qualities"; there is no implication that to study the Bible as literature inevitably reduces it to fiction or myth. In contrast to religions based on internal experience and reflection, biblical religion claims to be firmly grounded in historical revelation; the scope here accorded an interest in the Bible is therefore very great. To teach about the Bible on its historical side is to recognize the Bible as one of the sources of ancient history. If some scholars protest that the Bible's historicity is unclear, it should be noted that much of other ancient history derives from accounts whose historicity is undlear. As it is, the Bible is the source not only of much trustworthy historical infor-

mation but also of a particular view of history.

Such study is not to be an outlet for a teacher's personal beliefs or unbeliefs; it is intended, rather, to enlarge students' understanding of biblical history and content. Nor may the Christian or Jew or humanist insist that his special area of interest be taught only by a committed partisan. To be sure, the fact that a person is personally in revolt against a particular position in no way makes him an authority in that given area. But what the Bible says is open to all. The teacher's first task, therefore, is simply to present the literary content and historic claims of the Book. Personal interest in and devotion to the subject matter nurtures competence and expertise.

Teaching about the Bible as here delineated differs markedly, of course, from church-school instruction with its perspective of faith and evangelistic outreach. Public schools are not intended to be channels for achieving the unique goals of the church. Yet because public schools and church schools emphasize different aspects of religion and the Bible, they need not be regarded as competitive. Young people knowledgeable only about the literary and historic aspects of the Bible would certainly be a great advance over those wholly ignorant of their religious and cultural heritage. Such ignorance stems, not only from absence of the Bible from any public schoolrooms, but also from the failure of many of the Sunday schools to reach them.

VI
Ojectivity in Secular Programs of Education

The third point of the Schempp decision stipulates that study of the Bible and of religion must be "presented objectively as part of a secular program of education," limitations that presumably would be expected also to characterize the teaching of politics and other subjects. With respect, first, to the emphasis on a "secular program" as the context of education, the difference between church-related and public education is quite clear. Christian education is free to insist that the Logos of God is the center of all existence and truth and to expound the whole of life and learning in the context of revelational theism. A secular program of education is by no means precluded from exhibiting, but may not insist upon, this option; it is not prohibited, moreover, from indicating that revelational theism continues to be one of the enduring explanatory systems in Western thought and from indicating its philosophical implications.

To present only alternatives or only the preferred alternative of a particular instructor is to compromise American education into unworthy indoctrination. A secular program is one thing; a secular program of education is something much more

demanding and precise. To present the compelling options and the reasons adduced for them, to indicate the problems these options raise for the contemporary mind, and to exhibit the assumptions peculiar to modernity as well as to man in the past--all this is necessary and integral to competent education.

A question we need to ask, however, is this: What is the integrating factor of life and learning in a secular program of education? Such an integrating and cohesive center is hard to come by today, though secular efforts to supply it have been legion. Multiple deities expiring into the death of God and value systems collapsing into a value-vacuum and into self-assertion seem to characterize and summarize the present drift to radical secularity. Modern university learning currently has no unifying principle, and its emphasis on personal self-fulfillment leads in the absence of norms to ethical relativism.[9] While secular education has every freedom to raise the subject of such a principle, it carefully evades it, thereby helping to cause its current moribund state. Strange to say, teachers at the elementary level seem more concerned about indoctrination for a cohesive education and often carry on as if religion somehow can pull and hold everything together, while the secular campus, in its virtual absence of interest in religious realities, implies that the irrelevance of God is its central item of unanimity.

The Schempp decision requires that study of the Bible or of religion as part of a secular program be done "objectively." Whether objectivity is at all possible has been seriously questioned. Certainly it cannot mean that the teacher is to speak in absolute terms, as if with divine authority, since the whole sense of the Court decision is quite the opposite of this. Does "objectivity" therefore envision a kind of presuppositionless mind, as if man's mental apparatus were a tabula rasa on which only nature or experience writes? That in itself would be a philosophically biased view. No one can be wholly free of presuppositions; if man did not presuppose the law of contradiction, for example, neither theology nor science nor education nor law would be possible. Nor can objectivity mean that study about the Bible and religion has its paradigm in computerized analysis. Even history--whether military or political--is increasingly acknowledged to be a highly selective discipline.

On the other hand, just as no education would be possible were man wholly devoid of presuppositions, just so none would be possible were the entire process of education totally subjective. What the Schempp decision means by "objectivity" is probably some form of inter-subjectivity, that is, an approach that involves a certain recognition of the transcendence of truth and agreed methods of verification. On that basis similar results are presumed to be accessible to all persons using an identifiable methodology. The temptation to teach whatever one likes is not limited to private campuses; academic freedom is increasingly

invoked in public institutions to justify communicating personal preferences (the issue is usually not the Bible!) and to approve even a literature of sexual deviation, simply because teachers are presumably accredited authorities on their subject. Academic freedom has traditionally been the liberty to investigate and report the results of one's research; as such it involves accountability to a verifying methodology that is appropriate to the subject, and this presupposes a minimal critical distance between the teacher and his subject matter.

VII

Secularism and Public Education

The best way to determine what the Court intends by objectivity may be to consider a fourth point of the Schempp decision. Here we come face to face with the radical secularity now overtaking public educational institutions. The decision approves "study of the Bible or of religion . . . as part of a secular program of education." In a very real sense the Christian community need not be at all apologetic or retiring in the face of the secular, for Christianity is world-affirming; there is no need to abandon the world in order to cling to the God of the Bible. Unfortunately some Christians capitulate to a prejudicial definition of the secular and consequently bequeath the world to the enemy all too generously. Seen from the right perspective studying about the Bible and Christianity alongside other religions "as part of a secular program" should present no problem; there should, in fact, be evangelical eagerness for such intellectual engagement.

The biggest temptation facing modern Western society, however, is to elevate the secular into the entirety of human concerns. Picking up the pieces of a crumbling society, the public school is now increasingly pervading the totality of the child's life. For those under sixteen the schools function as surrogate for the home and attempt to answer all questions and solve all problems. The secular spirit is unbelievably carniverous, devouring everyone and everything that obstructs its path; it becomes hostile to whatever has previously implied or represented a religious perspective on life.[10]

The Schempp decision supports those who warn against the establishment of a "religion of secularism" in the public schools. It reads: "We agree of course that the State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe.'"[11] It happens, however, that a religion of secularism is emerging in our time as the quasi-official commitment of American public education. If the warning of the Schempp decision has any significance for classroom instruction, it can only mean that teachers in public schools have no license to indoctrinate students in the comprehensive contingency, radical relativity, and total transciency of reality.

Nor may they encourage student commitment to human autonomy as against divine authority. But what about implications of the decision also for fragmentary approximations, implicit concessions, and practical compromises with these dogmas? To say in effect that the state may not establish "a religion that is hostile to religion" is very fine--but is that not precisely what education does when it propagates secular values that preempt the field and thus exclude all other religions? Is not much of modern life already in the grip of secularism, and are not many of the schools steeped in it?[12]

The enthusiasm for teaching about religion may multiply as the definition of religion becomes increasingly vague. There is no unanimity today on which if any ideas, rites, or inner experiences are indispensably religious. To critical observers it should be apparent that atheism itself now often appears in the role of a religion; the study of religion is held to require courses in atheism. The new definitions emerging from the courts defer to the notion that any ultimate commitment is religious in nature. Recent court decisions in district and lower courts have allowed conscientious objection to military service on the basis of all variety of beliefs. One law journal commented that the justices in a given case (U.S. v. Seeger)[13] must have been reading Paul Tillich, who held that God is whatever concerns one ultimately. If, however, whatever concerns one ultimately is religious reality, then secularism is the religion taught by a teacher who expounds the secular as one's ultimate concern.

It is not the establishment of a sectarian religion in the traditional sense but the educational disestablishment of such religion in favor of a "religion of secularism" that presently reflects the pulsebeat of much education in the public arena. The premises on which our inherited culture rests are more unknown than not in debate; the educational ethos seems to have reduced the religious heritage of the West to irrelevance. The pressing question now, as Paul Ramsey affirms, is "How is it possible to become authentically a Protestant or a Roman Catholic or a Jew in a pluralistic society?"[14]

[1]School District of Abington Township v. Schempp, 374 U.S. 203 (1963).

[2]Engle v. Vitale, 370 U.S. 421 (1962).

[3]374 U.S. 203 at 225.

[4]Paul G. Kauper, Religion and the Constitution (Baton Rouge: Louisiana State University Press, 1964), p. 94.

[5]374 U.S. 203 at 225.

[6]Ibid.

[7]Ibid.

[8]A friend of Jaroslav Pelikan remarked: "Anti-catholicism (and thus, by extension, orthodox Christianity) is the anti-Semitism of the American academic liberal."

[9]Dismayed by the Watergate scandal, the American Association of University Professors at its fifty-ninth annual meeting adopted a resolution noting that all persons involved are graduates of American insitutions of higher education and expressing grief over professional failure to help "overcome their character defects and asocial and larcenous propensities while they were in our tutelage." The resolution urged "that university professors confess their sins of omission" and expressed dedication "to trying harder to steer this generation of students away from a life of crime and toward an enhanced respect for the Constitution, justice, and ethics" (AAUP Bulletin, 59 [1973], p. 145). But "trying harder to steer" cannot lead beyond personal self-fulfillment as the preferred basis of action unless what is good and just is resolved into the totalitarian imposition of a self-appointed cadre of intellectuals or unless truth and right are restored to the transcendent and objective validity of which most university learning seems presently to deprive them. In any event, confession of sin cannot be meaningful in a theistic-vacuum.

[10]In some places even keeping the young off the city streets on Friday nights has become a public school concern, and providing whatever entertainment the young prefer seem to be the remarkable solution to this problem. Who knows: the schools, by satisfying student whims, may yet take over the Sabbath and the Lord's Day as well.

[11]374 U.S. 203 at 225.

[12]The fantastic preoccupation with sports, for example, replaces an earlier generation's spontaneous chapel participation. Naturalists may discount worship of God as detouring the individual around responsible relations to the world. But much of the current concentration on sports is so unrealistically related to crucial human concerns that the earth could dissolve in fervent heat and mankind go to hell while much of the academic community at leisure is preoccupied with diversionary frenzy.

[13] U.S. v. Seeger, 380 U.S. 163 (1965).

[14] "How Shall We Sing the Lord's Song in a Pluralistic Land?" Journal of Public Law, 13 (1965), 354.

00084

28000

Conclusion: Status and Prospects

by

Peter Bracher and Nicholas Piediscalzi

Certainly the most challenging and in many ways the most significant aspect of PERSC's symposium on "Religion Studies in the Curriculum: Retrospect and Prospect, 1963-1983" is to be found in the word "prospect" and in the dates "1973-1983." In his historical overview, Professor Michaelsen quoted James Panoch's concise summary of the history of public school religion studies since the Schempp decision, which at least partially illuminated the future: "1963-68, legal; 1968-73, materials; 1973-78, teachers." Underscoring the importance of future attention to teacher education, Michaelsen also projected a need for relating developmental psychology to teaching about religion and for defining religion. He also raised questions about the relationship of religion studies to morality and to religious experience. As he noted, it is difficult to prognosticate, but the papers presented at the symposium and the discussions following them allow for additional speculation about the issues and problems that lie ahead.

In pulling together some of the themes of the symposium and clarifying the prospects for the future, we can return to Panoch's attractively concise and essentially sound summary of developments since Schempp. It correctly suggests that the focus of religion studies has shifted several times since 1963 and that the legal issues were the main thrust in the middle 1960's. And as Michaelsen notes, Schempp provided "fairly clear legal guidelines" and has "held up very well as consitutional law." It is important, however, not to allow such observations to obscure the fact that legal issues are not entirely settled. Justice Clark made that abundantly clear from one perspective when, in his address, he noted that in many areas of the United States today there are still prayers in the schools. He also noted an equally important point--that confusion still exists about the Schempp decision itself and about the legalities of religion studies in the schools. There remains, therefore, a need to clarify the legal issues for many people. Any prognostication of the future must first of all include an on-going effort to inform the public on such matters.

Similarly, the implementation of religion studies in the public schools that Justice Brennan entrusted to professional educators in his concurring opinion in the Schempp case is far from complete. Although considerable effort has been devoted recently to developing curricular materials, it is, as Michaelsen notes, only a beginning. Thus, as we move into the mid-seventies, materials and teacher education--as well as the legal issues--remain concurrent and continuing problems and a second area of concern. The on-going importance of these practical pedagogical

00085

issues is highlighted by Professor Whelan's suggestion that they, in fact, may well absorb the interest of the courts in the future. State and federal courts, he observes, may find themselves dealing with such matters as the academic credentials and public control of teachers, the design and stated objectives of programs, and the kinds of books and teaching materials used. Significantly, Whelan suggests that the courts are likely to follow the lead of educators:

> The most important thing to do in all future cases is to show the court the academic why--the educational reasons--the religion studies programs are being conducted. If the court grasps the validity of the educational reasons, the details of the program will be seen in their proper perspective.

This alone constitutes a special and compelling reason for future attention to problems of materials and teacher training.

More importantly, however, the ultimate success of religion studies in the classroom--not just in the courts--requires future attention to curricular materials and to teacher education. It is the latter problem that Michaelsen chose to emphasize, and it is, as he suggests, a complex problem. One aspect involves thorough preparation in content. Content is the issue Professor Spivey discusses at some length, though from the point of view of curriculum, in his remarks on the responsibilities of religion studies programs to the academic discipline of religion. Just as curriculum development must reflect the full range of the discipline, so too must teachers of religion be grounded in the varied and complex manifestations of human religious life. As Spivey observes, religion studies have wide-ranging interdisciplinary implications, for it is impossible to understand the nature of the complexities of religion adequately unless it is studied from an interdisciplinary approach.

Michaelsen also notes a second aspect of the problem, the need for increased attention, in teacher education, to methodology. In teaching about religion, methodology cannot be thought of simply as a bag of classroom techniques and pedagogical tricks. As Michaelsen suggests, methodology in teaching about religion is--in important ways--a matter of "approach to the subject and the manner of teaching it." To understand methodology as approach means that theoretical issues become especially important. Thus almost certainly, problems of definition will constitute a third area of concern in the next few years as continued efforts are made to clarify methods, develop materials, and train teachers. A major focus for definitional problems is likely to be one of the key concepts derived from the Schempp decision--the "objective study of religion." Both the term "objective" and the term "religion" still need clarification. While defining either term

involves us in theoretical questions, both have--as Professor Sandmel's paper shows with reference to "objectivity"--important practical implications for teachers and the classroom.

Both Professors Michaelsen and Stahmer suggest that a major concern in defining the term "religion" will lie in the problems posed by broad definitions which are derived from Tillich's concept of "ultimate concern" that has been incorporated into Supreme Court decisions. Michaelsen urges definitions "broad enough to encompass the specific as well as the abstract, the experimental as well as the conceptual, the communal as well as the individual." Stahmer stresses the need to pay attention "not only to the more traditional and conventional forms of religious expression, but to those more recent statements and themes which are important to an ever-increasing student audience." Stahmer also emphasizes the need to view "religious phenomena as valuation," a concern in which he is joined by Professor Spivey and by Justice Clark and Professor Michaelsen when they raise questions about the relationship of religion and morality. Certainly the relationship of religion, values, and morality will need clarification. Finally, implying that a narrow academic study about religion can distort perceptions and limit understanding of religion, Spivey reminds us that religion studies need to be faithful to religion itself. He cautions against the dangers of distorting and denigrating religion--especially in its more popular manifestations--and of forgetting that religion, no matter how thoroughly understood, still retains a dimension of mystery, an appreciation of which may well become one of the objectives of religion studies. This view is akin to the damaging effect upon our conception of religion Professor Henry sees resulting from what he calls "radical secularity." Henry also points specifically to another definitional problem, the dangers inherent in increasingly "vague" definitions of religion: "There is no unanimity today on which if any ideas, rites, or experiences are indispensibly religious."

Observations made during the symposium about "objectivity" indicate that the term is still sometimes misunderstood. Professor Sandmel objected to the academic confusion of objectivity with the teaching of the Higher Criticism, and all agreed in uniting against objectivity understood as cold, detached, and boring facts or as a "scientific" reduction of religion to a meaningless and non-productive activity. It seems apparent that a continuing concern will be with finding a realistic understanding of the term that will be academically and pedagogically vital and productive. Those addressing the question at the sumposium seem to agree that ultimately total objectivity is impossible--perhaps, as Sandmel noted, because "what we are reared with as children becomes normative for us." Nevertheless, an important direction was pointed, one that reflects the realities of the deep diversity of the pluralistic public school room and the need to respond to them. Objective study needs to be understood as open, empathetic, and appreciative study. There is agreement

about the need for critical self-consciousnessness and disciplined openness to others. Indeed, Professor Phillip Phenix's concept of "disciplined intersubjectivity" seems to have made an impact upon most speakers. The kind of honesty with oneself and with others that this concept requires is reflected in Sandmel's reminder that we must blend our own tastes and enthusiasms with an "awareness of the existence of tastes that are different and views that are different." Taking a slightly different tack, Professor Henry suggested that "inter-subjectivity" can be understood as "an approach that involves a certain recognition of the transcendence of truth and agreed methods of verification." The dimensions of the definitional problem can be extended even further--including for example an appraisal of the positive and negative contributions of religion to human history and an understanding of the many and diverse forms of theistic, atheistic, and secular religions which operate in human history. At this point, Professor Henry reminds us, there is a risk that "a religion of secularism" can become "the quasi-official commitment of American public education." Clearly the complexity of the issue will make it a focus of continuing concern.

Problems of definition like these which help to determine approaches to religion studies are related, of course, not only to teacher education but to the development of curricular materials as well--the focus of efforts in the recent past. Here too, as we noted above, much remains to be done. Michaelsen points to an important dimension of the work that lies ahead. He speaks of "human development relative to religion," referring specifically to such matters as religious awareness and religious conceptualization. His point suggests that answers to questions that have hardly been raised yet are going to be needed if effective curricular materials are to be developed. It is this broad issue that Professor Spivey speaks to as he reviews what he sees as some of the special considerations that will have to be accomodated by those working on curriculum materials. Especially suggestive are his observations on being "faithful to religion" and being "faithful to students." There is also a practical dimension to the on-going need for developing curriculum materials. That is the need for careful consultation with publishers about the content and quality of materials. The problem relates not only to materials developed specifically for use in teaching religion studies but to the handling, mishandling, and conscious avoidance of religion in curriculum materials generally.

As the foregoing paragraphs suggest, the practical pedagogical issues of teaching about religion involve a broad and complex set of interrelated and overlapping problems encompassing teacher education and the development of curricular materials. In response to issues raised by the symposium and subsequent consultations, PERSC developed several sets of guidelines which illuminate some of the problems and seek to make a contribution toward achieving the goals of developing and improving the pedagogical aspects of religion studies in the public schools. These guidelines--offering criteria for evaluating and improving curricular materials and teacher education programs and for assessing competent teach-

ing about religion--are to be found in the Appendices, (pp. 86-93).

A fourth problem for the future is raised by the historical alliance of the public schools and Anglo-Saxon Protestanism. This alliance can be traced to the model for public education developed in the Massachusetts Bay Colony and to the founding of our first universities as training centers for the Protestant ministry. There has been a continuing conflict between those committed to preserving this Protestant hegemony over public education on the one hand and non-Protestants and secularized intellectuals on the other. The result was the founding of parochial schools by non-Protestants, which perpetuated religious training from a confessional point of view, and the excluding of religion studies from land-grant colleges and private universities by the secularists. This historical situation has created a special sensitivity to introducing religion studies in the public schools and makes the need for distinguishing between religious practice and profession and study about religion especially important.

There are several reasons for continuing the work of clarifying the distinctions. Confusion on this point is often the source of opposition to the introduction of religion studies into the public schools by those who understandably fear their children will be indoctrinated in the established faith--Anglo-Saxon Protestantism--or those who fear their children will have their faith destroyed by secularized academicians. Professor Whelan suggests that Schempp's judicial antecedents were the Court's determination to "protect those who belonged to relatively small and frequently unpopular religions from the pressures created by the de facto establishment in the United States of the major Christian denominations." And he forsees potential court intervention in public school religion studies if it should ever become possible to provide "substantial evidence that religion studies were simply a mask for the revival of the old alliance between Protestant Christianity and the public schools." Professor Henry raises a similar issue from the perspective of those who see the public school system dominated by "radical secularists," whose activities are as unconstitutional as those of zealous Protestants. As Professor Spivey puts it, "the justification and rationale for including study about religion in the public schools can only be an educational one." It thus becomes important that the lines of demarcation are thoroughly clear to everyone. The task still remains of helping secularized intellectuals, educators, and citizens generally understand the distinctions.

Finally, a problem only touched on in passing at the symposium but one that is important must be noted. It relates to the role of seminaries and graduate schools of theology in training religion studies teachers for the public schools and to screening students in such programs. Church-related institutions are finding teacher education programs in religion studies a

tempting solution to enrollment problems and are under the pressure of requests from those who need or desire training in religion studies or mistakenly see theological training as a route--not to the professional ministry but to a position as a teacher of religion. If religion studies in the public schools are to develop properly and meet the challenges of the future--legal and pedagogical--it is essential that the training of religion studies teachers remain basically in the hands of those who have been delegated the responsibility by our society for training public school teachers in all academic areas and who are properly certified for that responsibility. Similarly, those selected for teacher education programs in religion studies should be dedicated to teaching as a vocation and trained and certified as bona fide public school teachers. The danger is that those who think they "might be happy" as teachers about religion or who think they can "make a valuable contribution" to religion studies will drift into public school teaching positions without proper committment or certification. Public school religion studies cannot afford to become a way station for those establishing a new identity, for those in the process of leaving the ministry or religious orders, or for those seeking a kind of ersatz professional ministry. It is essential that an effort be made in the future to assure that teacher candidates in religion studies demonstrate beyond reasonable doubt their commitment to the purposes and goals of public education and the academic study of religion.

There are, it seems, some half dozen issues and problems that should readily occupy the attention of those working in public school religion studies during the next decade--and perhaps longer. Some involve continuing clarification of problems that have already had considerable attention--the legal issues and the matter of the distinction between profession and practice of religion and study about religion. Others deal with more theoretical issues of definition--such as the meaning of terms like "religion" and "objectivity." Still others involve practical pedagogical problems having to do with identifying competent teaching and teachers of religion studies and with evaluating and developing high quality teacher training programs for pre- and in-service training as well as certification programs. Evaluation and development of effective and high quality curricular materials is also important. While this does not constitute a program for the future, it points some important directions. It is not clear at this date that religion studies will continue to expand and become a new element in public education. However, it is absolutely clear that the present moment demands that all concerned with public education religion studies devote their energies and attentions to improving the quality of existing programs and curricular materials, expanding and up-grading teacher education and certification programs, and establishing sound criteria for evaluating programs, materials, and teacher education programs.

00090

APPENDIX

A

Criteria for Evaluating Curricular Materials

PERSC recommends that all curricular material be evaluated according to six basic criteria established by PERSC's Professional Advisory Council.

A. Is the material educationally sound and pedagogically effective?

Curricular material should always be usable and appropriate in terms of subject matter, of the abilities of students, and of the competence of teachers. Information, concepts, illustrations, and the reading level of the material should be suited to the students who will use it, and the general presentation should be in keeping with their abilities. Material should reflect a sophisticated awareness of educational methodologies and incorporate appropriate pedagogical techniques. Material should also be presented in ways suited to the skills and training of the teachers who will use it. In addition, it should provide adequate guidance to reference, research, and supplementary material and help in lesson preparation, including suggestions for the use of the material. Finally, material should--where appropriate--encourage and assist teachers to use audio-visual materials and other non-book resources.

B. Does the material reflect an academically responsible approach?

Curricular material should be based on sound scholarship in the field of religion. If possible, it should employ primary sources or follow them faithfully. If secondary sources are used, they should be recognized as academically responsible, as faithful to original sources, and as avoiding bias by presenting alternative viewpoints. Content should be non-confessional, pluralistic, balanced, compre-

00091

hensive, and factually accurate, distinguishing historical from confessional fact. Material should reflect an awareness of scholarly definitions of religion and a concern for the relationship of religion and culture. It should also reflect both formal and institutional as well as informal and personal religious phenomena and the many ways in which they are expressed. Thus material should help students achieve religious literacy and an awareness of diverse religious phenomena.

Although the basic approach should be critical and analytical, material should seek to combine the scholar's "outside" view with the adherent's "inside" view. It should avoid onesidedness by presenting traditional as well as contemporary academic interpretations of religions and their scriptures. Similarly, material should avoid reductionist approaches (for example, purely psychological or sociological ones) that limit the perspectives from which religion is studied. While curricular material need not be interdisciplinary, religion studies are not limited to the confines of traditional academic disciplines. Thus, material may be interdisciplinary in its approach to religion study. While it must be academically responsible, curricular material which assumes a high level of scholarly aptitude by either teacher or pupil should be carefully evaluated. Material should always reflect a scholarly competence that is appropriate to those who will use it. Finally, it should be noted that while no single piece of curricular material is likely to meet all of these criteria, it is essential for the teacher to select that material which comes closest to meeting them and to compensate for its deficiencies.

C. Is the material sensitive to the religious and political problems of America's pluralistic society?

Because of the social and political reality of divergent viewpoints in American life, curricular material should be nonconfessional, making a pluralistic, not positioned, presentation of content. Such a goal can be achieved in part if material is presented not solely from an analytical, scholarly point of view. It should also reflect the point of view of the people who have experienced it, preserving the integrity and authenticity of their particular religious commitment. In this way material can be sensitive to the views, beliefs, and concerns of religious minorities. In addition, material should be open-ended, seeking not consensus but understanding and appreciation of the values that lead to different religious commitments in both the broad and narrow sense (see pp. 5-6), especially with the object of breaking down the stereotypes that lead to religious prejudices and discrimination and of helping students to accept the validity of other religious experiences than their own.

D. Does the material reflect a non-confessional and inter-faith perspective?

Although it is not essential that curricular material be developed jointly by people of different religious faiths, it should certainly reflect the non-confessional perspective such interfaith development produces. Ecumenical teams should contribute to the development of material as authors, consultants, or field testers so that in the course of the process divergent points of view are reflected. Materials carefully developed in light of the criteria discussed in sections B and C above are likely to achieve the objectivity and pluralism of viewpoint that an interfaith perspective is meant to assure.

E. Does the material reflect and has it been written within the parameters of the major Supreme Court decisions?

Although curricular material which meets the criteria laid out in sections B and C above will probably be legally appropriate, it is important to make sure that it is as objective as possible and does not exclude, favor, or derogate any particular religious group or sect. Material must be non-proselytizing. If the use of material which does not meet these criteria is unavoidable, it may be necessary to use materials representing many positions and beliefs to achieve a legally appropriate balance and objectivity. However, it should be stressed that the legality of curricular materials is best assured by careful attention to the guidelines in the preceding criteria.

F. Has the material been field tested?

The success of any curricular material in the classroom depends to a considerable extent upon the degree to which it has been field tested. An adequate testing program in actual classroom situations should involve students and teachers of varied backgrounds, abilities, and faiths and, in the case of teachers, of varied academic and pedagogical preparation as well. Curricular material should be evaluated as fully as a determination of these matters permits.

In summary, curricular material for teaching about religion in the public schools should be pedagogically sound, academically responsible, sensitive, non-confessional, legally appropriate, and field tested. These general criteria imply material that is appropriate as to subject matter, age level of students, and teacher competence; material that is pluralistic, balanced, and comprehensive in content; material that employs objective data and an analytical but empathetic approach; and, finally, material that encourages awareness of and respect for each person's religion whether traditional or secular.

APPENDIX

B

Guidelines for Teach[illegible]cation Programs

PERSC recommends the following guidelines for the use of colleges, universities, and professional schools in developing or conducting pre- and in-service teacher education programs in religion studies.

Teacher education programs in religion studies should

1. be jointly planned and taught by members of the education and religion faculties;

2. make clear that religion studies teachers use the same tested methods employed in other disciplines to plan, design, and develop programs;

3. provide substantial grounding in

   a. U.S. Supreme Court decisions pertaining to religion studies in public education;

   b. methods of studying religion, e.g., phenomenological, sociological, psychological, anthropological, as well as philosophical and theological;

   c. history of religions, literature of religious thought, religion and culture, religion and ethics, and religion in America; and

   d. relating the insights of developmental psychology to teaching about religion;

00094

4. help teachers become aware of their attitudes toward formal and informal manifestations of religion and how their attitudes influence their teaching and their relationships with students (such assistance should include experiences designed to develop objectivity and empathy in teachers);

5. stress why and show how teachers must be nonconfessional and pluralistic in their approach;

6. help teachers discover the complexities and problems involved in teaching about religion in a pluralistic society;

7. introduce teachers to printed and nonprinted materials for classroom use--as well as field trips, guest speakers, etc.--and to sound criteria for evaluating them;

8. demonstrate how to relate particular curricular materials to pedagogical methods appropriate to them;

9. provide learning conferences with adherents of faiths different from the teachers';

10. provide adequate supervision of the teachers' development of lesson plans and courses and observation of their practice teaching;

11. stress the importance of using primary sources in teaching and only secondary sources that are faithful to primary sources; and

12. point out that competency in one area of religion does not assure competency in all areas of religion studies.

APPENDIX

C

Guidelines for Teacher Competency

Ideally, teacher competency in religion studies is no different from teacher competency in any other discipline. However, the legal and political problems created by our constitutional separation of church and state, the long-standing Protestant domination of our culture with its frequent misrepresentation and/or rejection of minority religious views and the religious pluralism of our present society require special additions to the usual guidelines established for evaluating teacher competency. Thus, the following guidelines developed by PERSC consist of one section dealing with dimensions of teacher competency common to all fields and a second section presenting aspects of teacher competency unique to religion studies in American public education.

I.

Competent religion studies teachers, like all teachers, should be professionally qualified, emotionally mature, and pedagogically sound.

A. Professional qualification is demonstrated by certification by the state in which a teacher practices and by the maintenance of good professional standing.

B. Emotional maturity is demonstrated by the possession of a secure self-image and set of values which enable a teacher to be open with and accepting of students with different views and life-styles.

00096

C. Pedagogical soundness is demonstrated by
   1. use of the same procedures for planning, developing, and evaluating curricula as are employed in designing other academic programs;
   2. use of pedagogical methods appropriate to the particular materials for given courses;
   3. choice of materials which show awareness of and sophistication in educational methodologies appropriate to the age level of students for which the materials are intended;
   4. knowledge of developmental psychology and of the concepts and teaching methods appropriate to each stage of maturation; and
   5. knowledge of and ability to use a wide variety of print and non-print materials and media.

II.

Competent religion studies teachers should also be well-versed in the legal issues surrounding religion studies in public education, academically qualified in religion as an academic subject, and non-confessional in approach.

A. Understanding of legal issues is demonstrated by a thorough knowledge of the U. S. Supreme Court decisions as well as state and local laws pertaining to religious practices and religion studies in the public schools and of the parameters suggested by these laws for academic study of religion in the public schools.
B. Academic qualification in religion studies is demonstrated by
   1. an adequate knowledge of religion in its formal and informal, institutional and non-institutional, communal and personal, inherited and experienced manifestations;
   2. a knowledge of the diverse ways in which religion is expressed, such as ritual, myth, ceremony, festival, symbols, stories, music, and art;
   3. awareness of and ability to use several different methods of studying about religion, such as the history of religions, the phenomenology of religion, the philosophy of religion, the psychology of religion, the sociology of religion, etc.; and
   4. a knowledge of both the positive and negative functions of religion in human culture and history.
C. A non-confessional approach to religion studies is demonstrated by
   1. a pluralistic approach;
   2. self-knowledge about one's religious and value commitments, about one's attitudes toward formal religion, and about one's religions biases and cultural limitations so as to be free to present fairly and discerningly various religious options and to teach about

religions without proselytising for one's own position;

3. openness to and empathy for alternative religious and non-religious points of view among students and a willingness to listen to them and accept their feelings and underlying beliefs; and
4. dedication to building a sense of human community through cultivating an understanding of and respect for all people and an appreciation of our common humanity in the midst of our diversities.

Given the special requirements needed for competency as a teacher of religion studies, it is vital for colleges, universities, and professional schools to provide a comprehensive range of pre- and in-service training and experiences. Interdisciplinary work is especially needed to help teachers experience the interrelatedness of religion studies with other academic disciplines.

Notes on Contributors

The Honorable Tom C. Clark, Associate Justice, United States Supreme Court (Retired), is the author of the Schempp decision.

Dr. Carl F. H. Henry, Professor-at-Large, Eastern Baptist Seminary, is Editor Emeritus of Christianity Today. He has taught at Princeton Theological Seminary and numerous other institutions of higher education. Dr. Henry is the author of several books and articles.

Dr. Robert Michaelsen, Professor of Religious Studies, University of California, Santa Barbara, is the author of Piety in the Public School and other books. He also has published several articles on the relationship of religion studies and public education. Dr. Michaelsen serves as a member of PERSC's Professional Advisory Council.

Dr. Samuel Sandmel, Distinguished Service Professor of Bible and Hellenistic Literature, Hebrew Union College, Cincinnati, Ohio, is Chairman of PERSC's Professional Advisory Council. He is the author of several important books and articles.

Dr. Robert A. Spivey, Provost of the College of Arts and Sciences at Florida State University, Tallahassee, Florida, also serves as Executive Director of the American Academy of Religion. He is a prolific writer and is known for his articles on public education religion studies. In addition, Dr. Spivey is Co-Director of The Florida State University Religion-Social Studies Curriculum Project. Dr. Spivey serves on PERSC's Professional Advisory Council.

Dr. Harold M. Stahmer, Associate Dean, College of Arts and Sciences, University of Florida, is noted for his interest in and articles on public education religion studies. He serves on PERSC's Professional Advisory Council.

Dr. Charles Whelan, S.J., Professor of Law, Fordham University, is Associate Editor of America magazine. He is an expert on the constitutional issues involved in public education religion studies. Dr. Whelan serves on PERSC's Professional Advisory Council.

00099

Notes on Editors

Peter Bracher, Ph.D., is Associate Professor and Acting Director of Graduate Studies of the Department of English at Wright State University. Since 1971 he has conducted a workshop on the Bible and Literature. He is the author of "The Bible and Literature" and several other articles and serves on PERSC's Faculty Advisory Committee.

James V. Panoch, M.S.Ed., is PERSC's Field Coordinator. He is the author (with David Barr) of Religion Goes to School (Harper and Row) and several articles. He also worked for the Fort Wayne (Indiana) schools' Human Relations Department.

Nicholas Piediscalzi, Ph.D., is Professor and Chairman of the Department of Religion at Wright State University and PERSC's Co-director. He is co-editor of Contemporary Religion and Social Responsibility (Alba House) and From Hope to Liberation: Towards a New Marxist-Christian Dialogue (Fortress Press) and the author of several articles.

James K. Uphoff, Ed.D., is Dean of Branch Campuses, Associate Professor of Education at Wright State University and Co-director of PERSC. He is a member of the Boards of Directors for the National and Ohio Associations for Supervision and Curriculum Development, president-elect of the Western Ohio Education Association, a member of the Academic Freedom Committee of the National Council for the Social Studies, and the author of several articles.

All four editors collaborated in writing a guidebook for teachers and administrators, Public Education Religion Studies: Questions and Answers (Dayton, Ohio: PERSC, 1974).

00100